



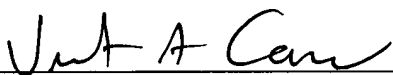
Docket No. 0545.033  
U.S. Serial No. 10/616,030

## THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>Applicant:</b> Strait	<b>Confirmation No.:</b> 1548
<b>Serial No.:</b> 10/616,030	<b>Group Art Unit:</b> 3726
<b>Filed:</b> July 9, 2003	<b>Examiner:</b> Eric B. Compton
<b>Title:</b> BEARING ASSEMBLY SPACER ADJUSTABLE SYSTEM AND METHOD FOR ADJUSTING A SPACER	

### CERTIFICATE OF MAILING

*I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 6, 2006.*

  
\_\_\_\_\_  
Victor A. Cardona, Esq.  
Attorney for Applicant(s)  
Registration No. 44,589

Date of Signature: October 6, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

### **Petition to Withdraw Holding of Abandonment Pursuant to 37 CFR 1.181(a)**

Dear Sir:

This petition is filed in response to the Notice of Abandonment mailed on September 27, 2006 in connection with the above-designated application. The Notice was issued as Applicant allegedly failed to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

On March 30, 2004 the Patent Office issued a **Notice of Allowability** allowing claims 1-33, and requesting corrected formal drawings. A copy of the Notice of Allowability is attached as *Exhibit A*.

On June 28, 2004 applicant timely filed a **Response to the Notice of Allowability**, including Replacement Figures 1-6, and marked up copies of FIGS. 1 and 4. A copy of Applicant's response, along with a copy of the Return-Receipt postcard confirming receipt of the Response at the Patent and Trademark Office on July 1, 2004, is attached hereto as *Exhibit B*.

Following the filing of Applicant's response to the Notice of Allowability, applicant had not received a Notice of Allowance / Part B – Fee(s) Transmittal (PTOL-85) in which to pay the issue fee for the subject application, and requested on three separate occasions a Notice of Allowance as described below.

On November 27, 2005 applicant filed, via facsimile, a **Communication Regarding Status of Patent Application**, including a duplicate copy of Applicant's previously filed Response to Notice of Allowability, including the Replacement Drawings. A copy of this communication is attached as *Exhibit C*.

On January 9, 2006 the Patent and Trademark Office issued a **Supplemental Notice of Allowability**, once again allowing claims 1-23, wherein corrected drawings were no longer requested. However, once again, a Notice of Allowance / Part B – Fee(s) Transmittal (PTOL-85) was not included. A copy of the January 9, 2006 communication is attached as *Exhibit D*.

On January 25, 2006, applicant filed, via first class mail, a **Request for PTOL-85 – Part (B) Fees Transmittal**, which once again included a copy of Applicant's previously filed Response to Notice of Allowability, including the Replacement Drawings. A copy of this communication, along with a copy of the return-receipt postcard confirming receipt of the Request is attached as *Exhibit E*.

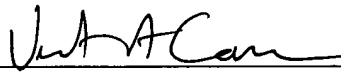
On May 1, 2006, applicant filed, via facsimile, a **Second Request for PTOL-85 – Part (B) Fees Transmittal**, along with a copy of the return-receipt postcard from the initial Request of January 25, 2006, a copy of which is attached as *Exhibit F*.

On August 24, 2006, the U.S. Patent and Trademark Office issued a **Corrected Notice of Allowance and Fee(s) Due**, including a photocopy of the initial Notice of Allowability and Examiner's Amendment mailed on June 28, 2004. A copy of this communication is attached as *Exhibit G*.

On July 5, 2006, applicant filed **Part B – Fee(s) Transmittal**, along with the issue fee (\$700.00), publication fee (\$300.00), and Advance Patent Order (\$30.00). A copy of the return-receipt postcard, confirming receipt of the issue fee at the U.S. Patent and Trademark Office on July 10, 2006, is attached as *Exhibit H*. Applicant did not file Replacement Drawings in response to Notice of Allowability which was attached to the August 24, 2006 Corrected Notice of Allowance and Fee(s) Due, as they were previously filed, and accepted by the Patent and Trademark Office, as indicated in the Supplemental Notice of Allowability dated January 9, 2006. However, for the examiner's convenience, a duplicate copy of the Replacement Drawings are once again attached herewith.

It is submitted that a Response to the Notice of Allowability requesting Corrected Drawings was timely filed, and the subject application was not abandoned. Therefore, withdrawal of the holding of abandonment, and grant of the application is respectfully requested.

*Respectfully submitted,*



Victor A. Cardona  
Attorney for Applicant  
Reg. No. 44,589

Dated: October 6, 2006

**HESLIN ROTHENBERG FARLEY & MESITI P.C.**

5 Columbia Circle  
Albany, New York 12203-5160  
Telephone: (518) 452-5600  
Facsimile: (518) 452-5579

**Attachments:**

Copy of Replacement Drawings  
Exhibit A - March 30, 2004, Notice of Allowability  
Exhibit B - June 28, 2004, Response to the Notice of Allowability  
Exhibit C - November 27, 2005, Communication Regarding Status of Patent Application  
Exhibit D- January 9, 2006, Supplemental Notice of Allowability  
Exhibit E - January 25, 2006, Request for PTOL-85 – Part (B) Fees Transmittal  
Exhibit F - May 1, 2006, Second Request for PTOL-85 – Part (B) Fees Transmittal  
Exhibit G – August 24, 2006, Corrected Notice of Allowance and Fee(s) Due  
Exhibit H – July 10, 2006 Return-Receipt Postcard



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,030	07/09/2003	Sean Strait	0545.033	1548

23405 7590 03/30/2004

HESLIN ROTHENBERG FARLEY & MESITI PC  
5 COLUMBIA CIRCLE  
ALBANY, NY 12203

*NH/VAC*

EXAMINER

COMPTON, ERIC B

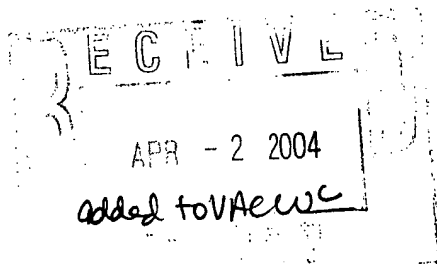
ART UNIT PAPER NUMBER

3726

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED 6/30/04



# Notice of Allowability

Application No.

10/616,030

Examiner

Eric B. Compton

Applicant(s)

STRAIT, SEAN

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an application filed 7/9/2003.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 7/9/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Victor Cardona on March 24, 2004.

The application has been amended as follows:

In the Specification, Section [0001], line 1, "6,282,639" should read —6,283,639—

Note: the above amendment was made to resolve a minor typographical error with respect to the Pat. Number. See Section [0021] (showing correct patent designation).

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Figure 1 will be labeled —Prior Art—; Figure 4, reference 143 (left) will include an arrow pointing at the roller element. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Art Unit: 3726

3. The following is an examiner's statement of reasons for allowance: the prior art of record does not teach or suggest a method (or apparatus) for adjusting the spacer of a bearing assembly comprising: a preload regulator comprising first and second portion, and a controller coupled to said first and said second portions to detect an electrical contact between said first and said second portions, in combination with the other claimed subject matter.

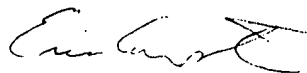
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric B. Compton whose telephone number is (703) 305-~~0240~~ 571-2727. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter B. Vo can be reached on (703) 308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Eric Compton  
Patent Examiner  
AU 3726



DAVID P. BRYANT  
PRIMARY EXAMINER

INFORMATION DISCLOSURE CITATION	Docket No.: 0545.033	Serial No. Unassigned
	Applicant: Strait	
	Filing Date: Filed Herewith	Group: Unassigned

U.S. PATENT DOCUMENTS							
Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
SC	AA	6,327,773 B1	12/11/2001	RODE	29	724	
EC	AB	6,461,051 B1	10/08/2002	RODE	384	551	
FOREIGN PATENT DOCUMENTS							
		<u>DOCUMENT NUMBER</u>	<u>Date</u>	<u>Country</u>	<u>Class</u>	<u>Subclass</u>	<u>Translation</u>
							<u>Yes</u> <u>No</u>
Other Documents (including Author, Title, Date, pertinent public. etc.)							

Examiner <i>Eric Cant</i>	Date Considered <i>7/29/04</i>
---------------------------	--------------------------------



**Notice of References Cited**

Application/Control No.

10/616,030

Applicant(s)/Patent Under  
Reexamination  
STRAIT, SEAN

Examiner

Eric B. Compton

Art Unit

3726

Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,446,339	09-2002	Takamizawa et al.	29/898.09
*	B	US-6,487,775	12-2002	Rode, John E.	29/898.09
*	C	US-6,662,449	12-2003	Rode, John E.	29/898.09
*	D	US-6,684,506	02-2004	Rode, John E.	29/898.09
	E	US-			
	F	US-			
	G	US-			
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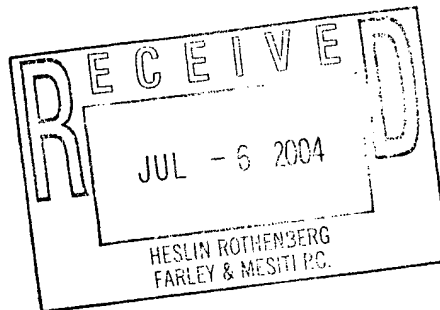
**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



**Applicant:** Strait  
**Serial No.** 10/616,030  
**Filing Date:** July 9, 2003  
**Title:** BEARING ASSEMBLY SPACER  
ADJUSTABLE SYSTEM AND METHOD FOR  
ADJUSTING A SPACER

**Enclosed:**

- \* One (1) Acknowledgment Postcard
- \* Response to Notice of Allowability (4 pages)
- \* Replacement FIGS. 1-6 (6 pages)
- \* Marked-Up Copies of Amended FIGS. 1 & 4



**File No.:** 0545.033/VAC/ccw

**Date Mailed:** June 28, 2004  
**Date Due:** June 30, 2004

**Applicant:** *per cy*  
**Serial No.** 10/616,030  
**Filing Date:** July 9, 2003  
**Title:** BEARING ASSEMBLY SPACER  
ADJUSTABLE SYSTEM AND METHOD FOR  
ADJUSTING A SPACER

**Enclosed:**

- \* One (1) Acknowledgment Postcard
- \* Response to Notice of Allowability (4 pages)
- \* Replacement FIGS. 1-6 (6 pages)
- \* Marked-Up Copies of Amended FIGS. 1 & 4

**File No.:** 0545.033/VAC/ccw

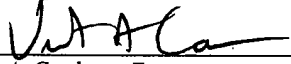
**Date Mailed:** June 28, 2004  
**Date Due:** June 30, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicant:** Strait  
**Confirmation No.:** 1548  
**Serial No.:** 10/616,030  
**Group Art Unit:** 3726  
**Filed:** July 9, 2003  
**Examiner:** Eric B. Compton  
**Title:** BEARING ASSEMBLY SPACER ADJUSTABLE SYSTEM AND METHOD  
FOR ADJUSTING A SPACER

**CERTIFICATE OF MAILING**

*I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop PGPUB Drawings, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on June 29, 2004*

  
Victor A. Cardona, Esq.  
Attorney for Applicant  
Reg. No. 44,589

Date of Signature: June 29, 2004

To: Mail Stop PGPUB Drawings  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE TO NOTICE OF ALLOWABILITY**

Dear Sir:

This paper is filed in response to the Notice of Allowability mailed on March 30, 2004, in connection with the above-identified U.S. patent application. The three-month period for response expires on June 30, 2004. Accordingly, this response is timely filed.

Please amend the above-identified application as follows:

**Amendments to the Drawings** begin on page 2 of this paper, and include both an attached replacement sheet and an annotated sheet showing changes.

**Remarks** begin on page 3 of this paper.

## **AMENDMENT**

### **Amendments to the Drawings:**

Replacement Drawings are attached herewith. Amendments have been made to FIGS. 1 and 4. In FIG. 1 the text "PRIOR ART" was previously omitted, and in FIG. 4 a line from identifier 143 was previously omitted. Marked up copies of FIGS. 1 and 4 are also attached herewith.

Attachment: Replacement FIGS. 1-6  
Annotated Sheets Showing Changes to FIGS. 1 and 4

**REMARKS**

In response to the Notice of Allowability dated March 30, 2004, FIGS. 1 and 4 have been amended. Entry of these amendments, reconsideration of the application, and allowance of the claims is respectfully requested. No new matter has been added.

Applicant awaits the issuance of a Notice of Allowance and Issue Fee Due.

If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicant's undersigned attorney invites the Examiner to telephone him at the number provided.

*Respectfully submitted,*



Victor A. Cardona, Esq.  
Attorney for Applicant  
Registration No. 44,589

Dated: June 28, 2004

**HESLIN ROTHENBERG FARLEY & MESITI P.C.**

5 Columbia Circle

Albany, New York 12203

Telephone: (518) 452-5600

Facsimile: (518) 452-5579

Customer No.: 23405

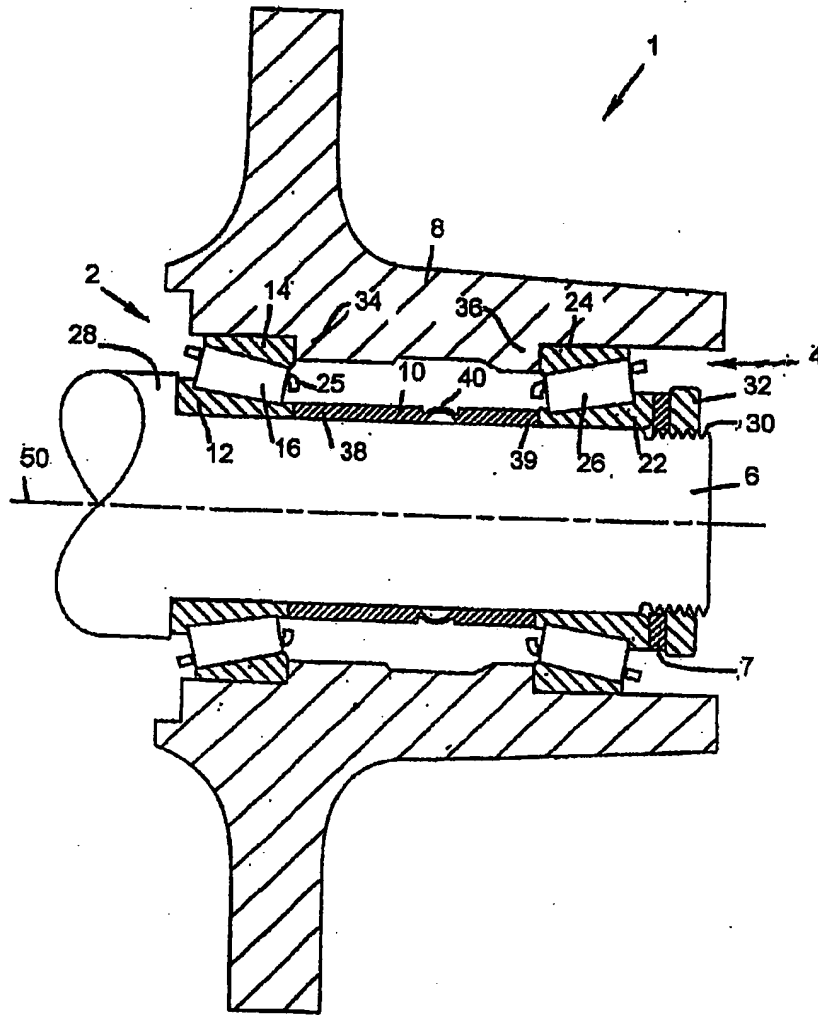
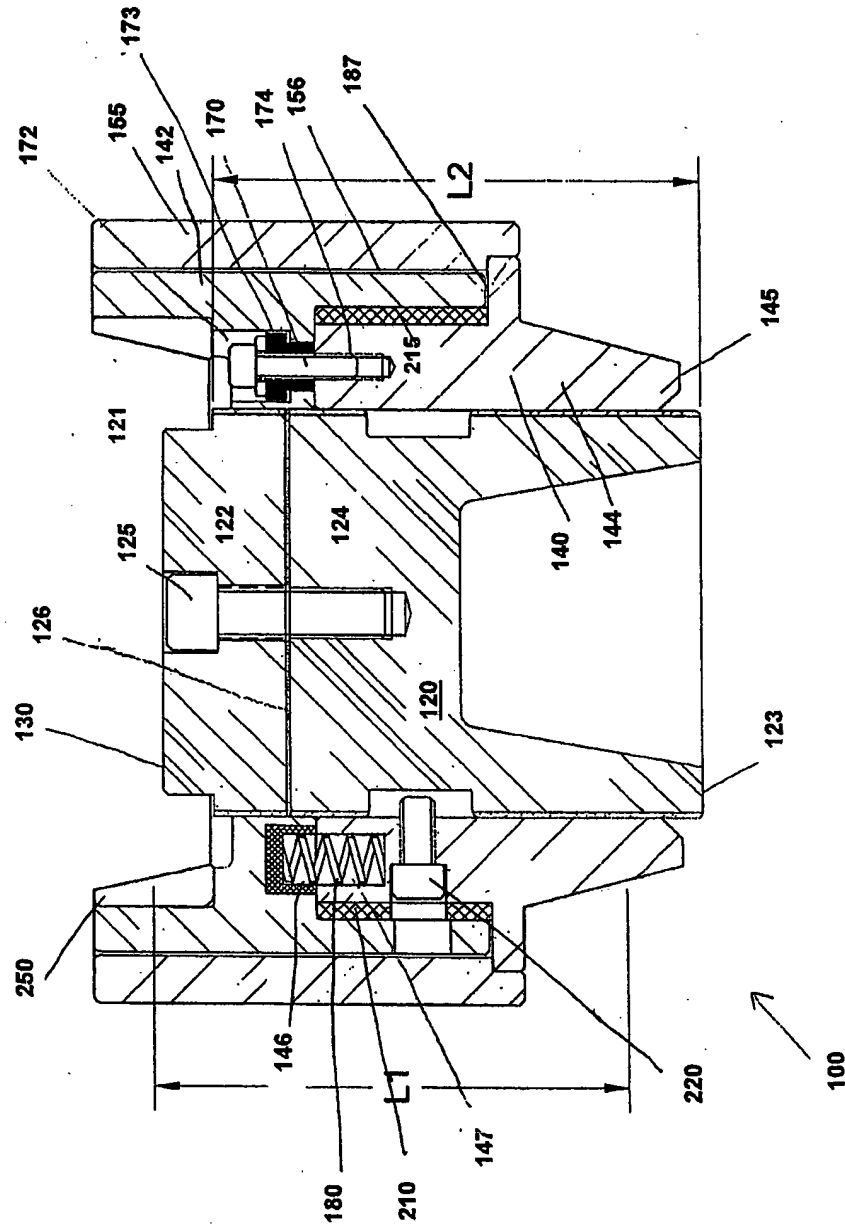


FIG. 1

PRIOR ART

**Title:** Bearing Assembly Spacer Adjustment System and Method for Adjusting a Spacer

**2/6**



**FIG. 2**



3/6

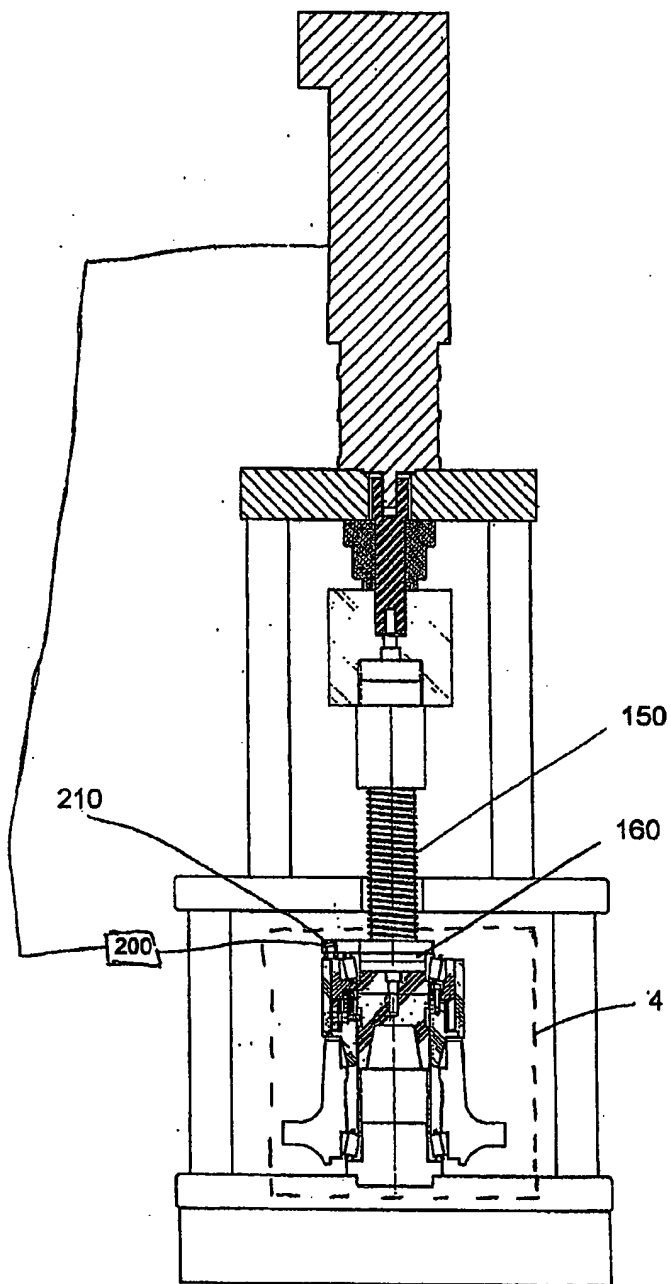


FIG. 3

4/6

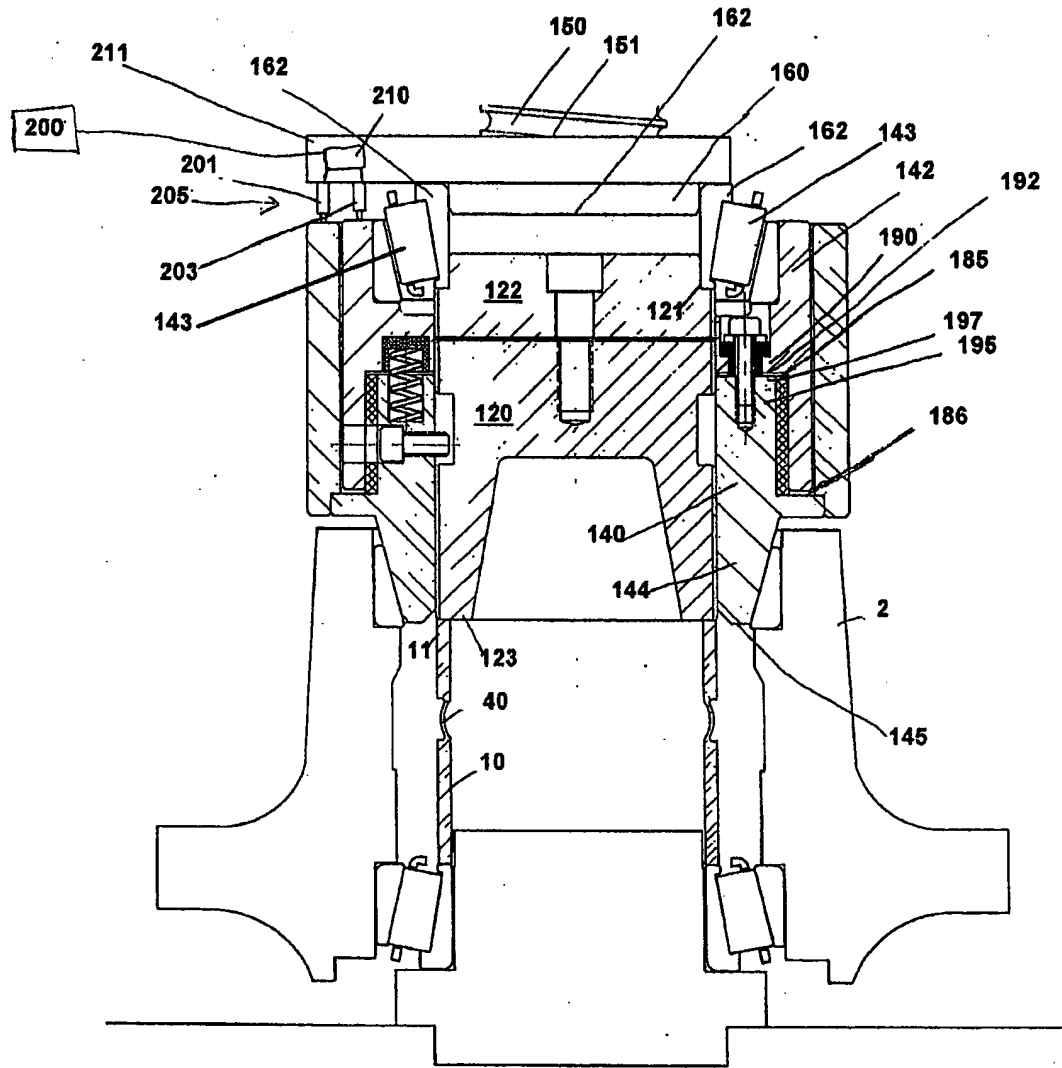


FIG. 4

5/6

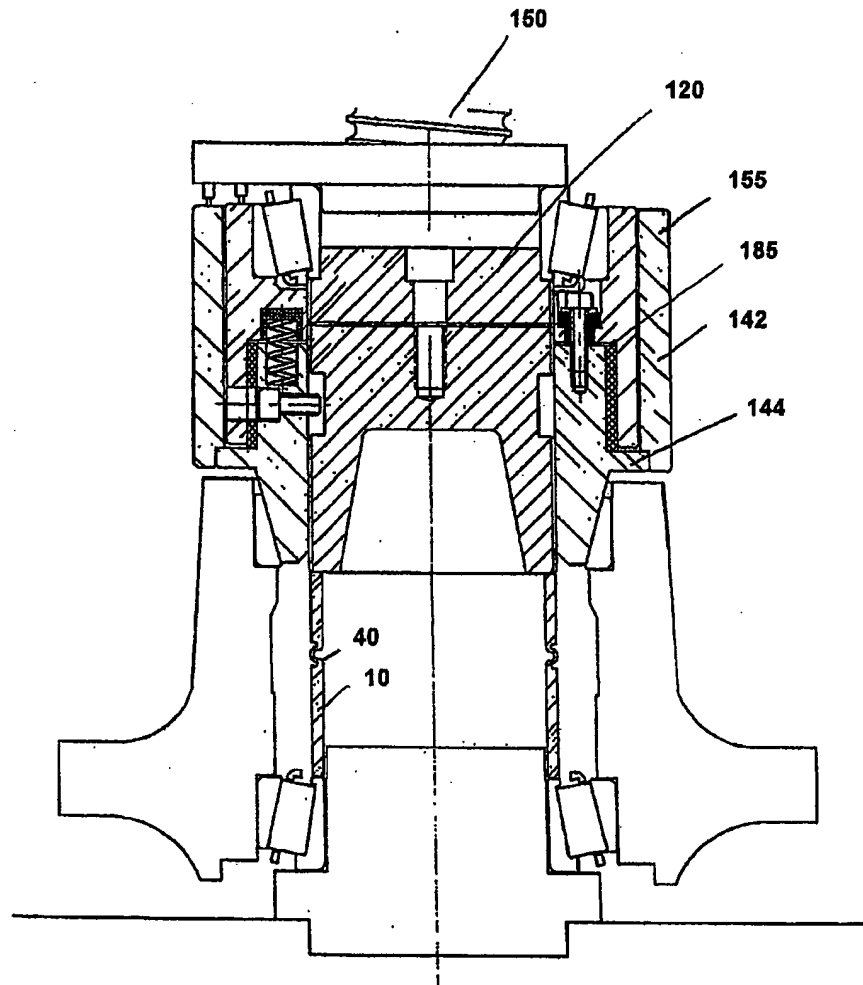


FIG. 5

6/6

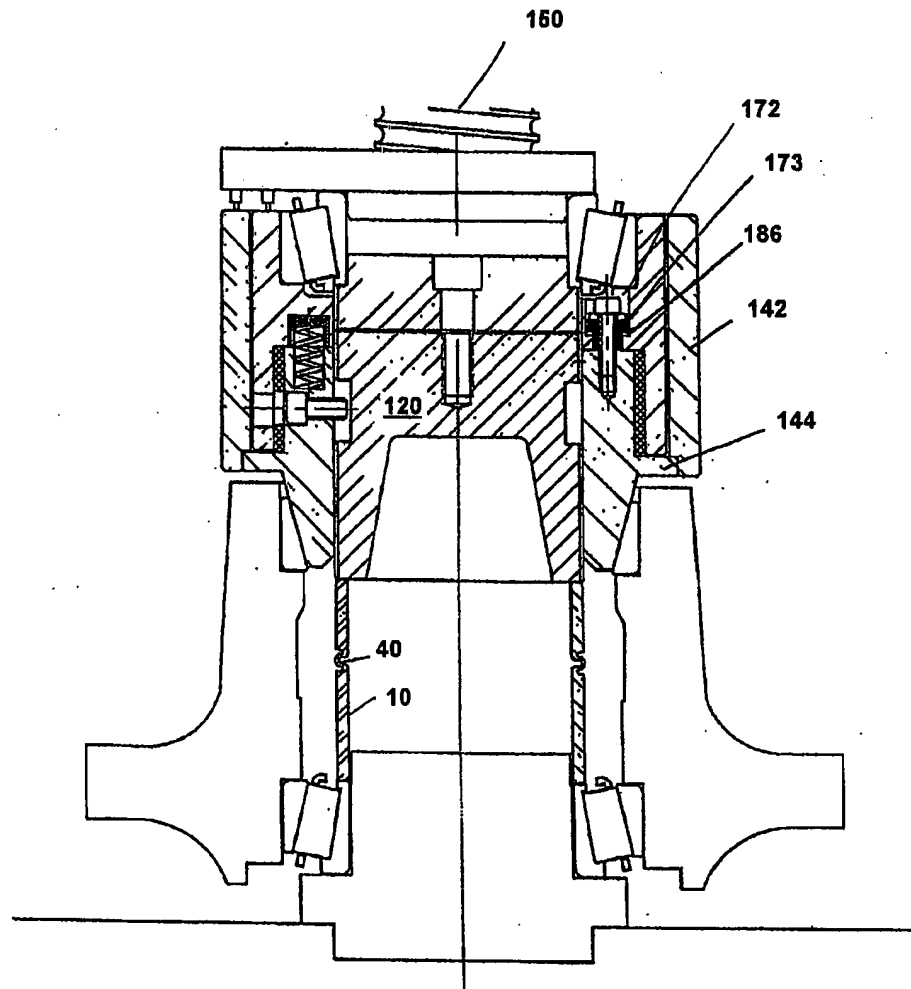


FIG. 6

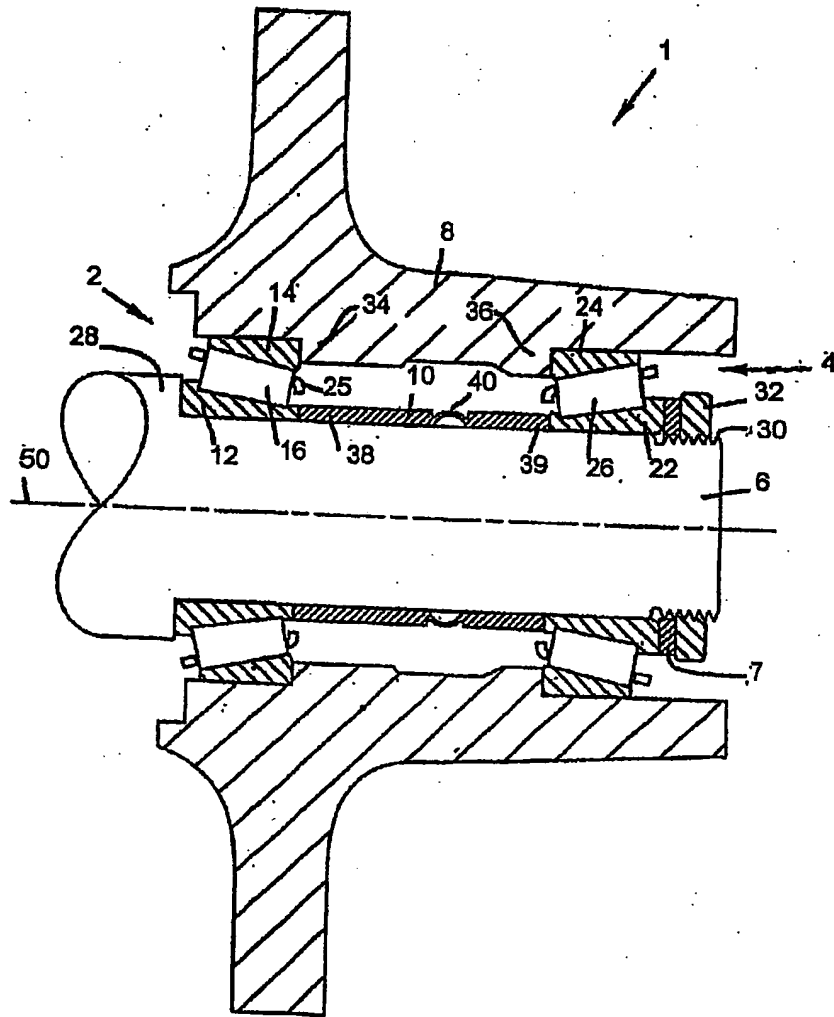
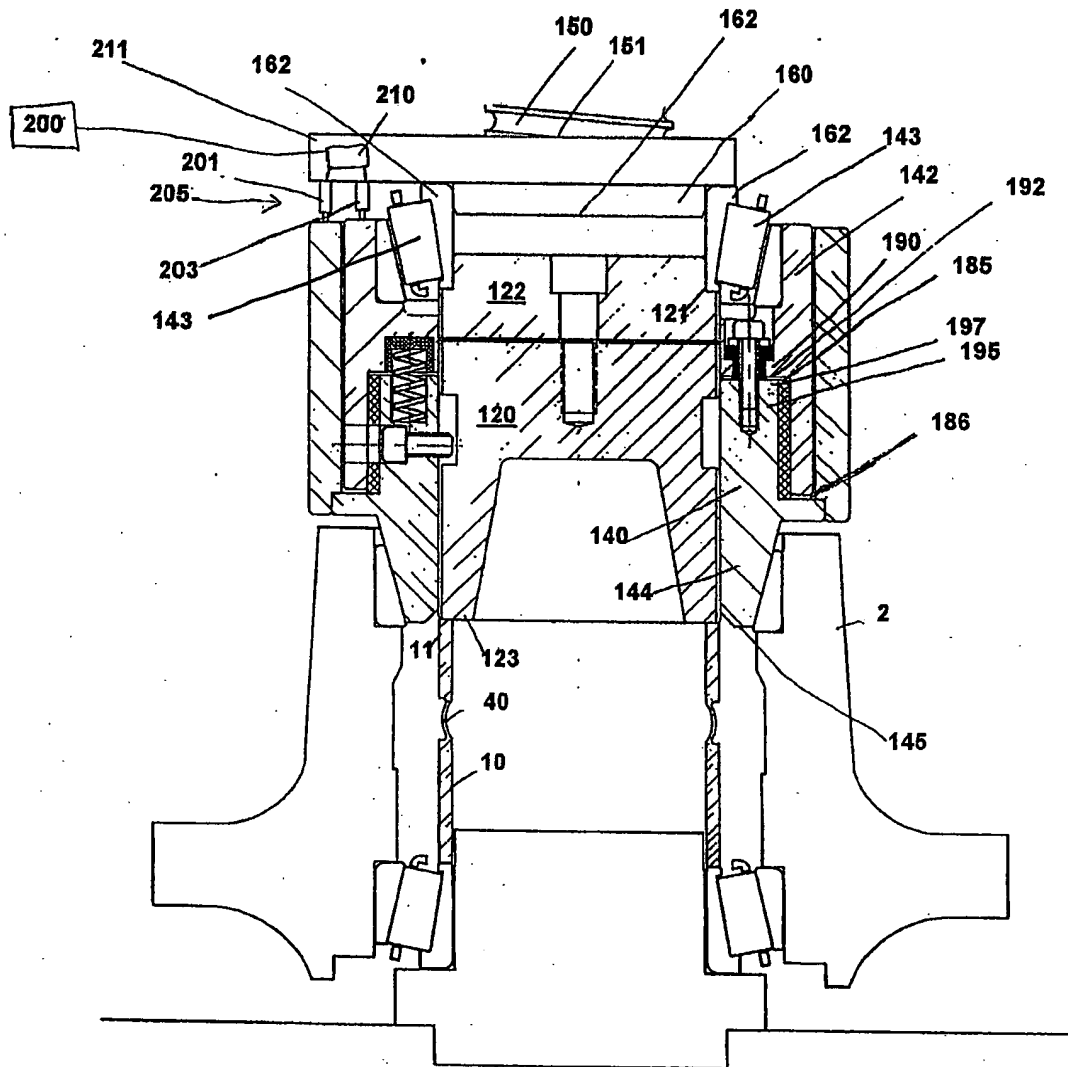


FIG. 1

PRIOR ART

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## Auto-Reply Facsimile Transmission



TO:

Fax Sender at 518 452 5579

Fax Information

Date Received:

11/29/2005 10:24:33 AM [Eastern Standard Time]

Total Pages:

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**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

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Cover  
Page

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11/29/2005 10:26 FAX 518 452 5579		WESTIN RUTHERBURG		- INPTD-RESPONDS		001/020	
				Docket No. 0543,033		U.S. Serial No. 10/616,030	
<b>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</b>							
Applicant:	Strait		Confirmation No.:	1548			
Serial No.:	10/616,030		Group Art Unit:	3726			
Filed:	July 9, 2003		Examiner:	Eric B. Compton			
Title:	BEARING ASSEMBLY SPACER ADJUSTABLE SYSTEM AND METHOD FOR ADJUSTING A SPACER						
<p><b>CERTIFICATE OF FACSIMILE TRANSMISSION</b></p> <p>I hereby certify that this correspondence is being transmitted by facsimile to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, Attn, Examiner Eric B. Compton, Group Art Unit 3726, at facsimile no. 1-571-273-8300, on November 25, 2005.</p> <p style="text-align: right;"><i>U.A. A.C.</i></p> <p style="text-align: right;">Victor A. Cardona, Esq. Attorney for Applicant(s) Registration No. 44,589</p> <p style="text-align: right;">Date of Signature: November 27, 2005</p>							
Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450				FAX NO.: 1-571-273-8300 NO. OF PAGES: 20			
<b>COMMUNICATION REGARDING STATUS OF PATENT APPLICATION</b>							
Dear Sir:							
Applicant received a Notice of Allowability and Examiner's Amendment, dated March 30, 2004, relative to the above-identified patent application, a copy of which is attached as Exhibit A. The Notice of Allowability required Corrected Drawings in response to the Examiner's Amendment. A response to the Notice of Allowability was due to be filed on or before June 30, 2004.							
1							
PAGE 1/20 * RCVD AT 11/29/2005 10:24:33 AM [Eastern Standard Time] * FAX-USERID-079 * CNID:2728320 * CND:518 452 5579 * DURATION (mm:ss):04:38							

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
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TRANSMISSION OK

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TIME USE 04'28  
PAGES SENT 20  
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Docket No. 0545.033  
U.S. Serial No. 10/616,030

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** Strait **Confirmation No.:** 1548  
**Serial No.:** 10/616,030 **Group Art Unit:** 3726  
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**Title:** BEARING ASSEMBLY SPACER ADJUSTABLE SYSTEM AND METHOD  
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**CERTIFICATE OF FACSIMILE TRANSMISSION**

*I hereby certify that this correspondence is being transmitted by facsimile to  
Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450,  
Attn, Examiner Eric B. Compton, Group Art Unit 3726, at facsimile no. 1-571-  
273-8300, on November 29, 2005.*



Victor A. Cardona, Esq.  
Attorney for Applicant(s)  
Registration No. 44,589

Date of Signature: November 29, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

FAX NO.: 1-571-273-8300  
NO. OF PAGES: 20

**COMMUNICATION REGARDING STATUS OF PATENT APPLICATION**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicant:** Strait  
**Serial No.:** 10/616,030  
**Filed:** July 9, 2003  
**Title:** BEARING ASSEMBLY SPACER ADJUSTABLE SYSTEM AND METHOD FOR ADJUSTING A SPACER

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**Examiner:** Eric B. Compton

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Victor A. Cardona, Esq.  
Attorney for Applicant(s)  
Registration No. 44,589

Date of Signature: November 27, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

FAX NO.: 1-571-273-8300  
NO. OF PAGES: 20

**COMMUNICATION REGARDING STATUS OF PATENT APPLICATION**

Dear Sir:

Applicant received a Notice of Allowability and Examiner's Amendment, dated March 30, 2004, relative to the above-identified patent application, a copy of which is attached as Exhibit A. The Notice of Allowability required Corrected Drawings in response to the Examiner's Amendment. A response to the Notice of Allowability was due to be filed on or before June 30, 2004.

A response to the Notice of Allowability, with corrected drawings, was timely filed with the U.S. Patent and Trademark Office on June 28, 2004, a copy of which is attached herewith at Exhibit B.

Applicant has yet to receive the Notice of Allowance from the U.S. Patent and Trademark Office. Applicant respectfully requests that the Notice of Allowance be issued at the U.S. Patent and Trademark Office's earliest convenience.

*Respectfully submitted,*



Victor A. Cardona, Esq.  
Attorney for Applicant  
Registration No. 44,589

Dated: November 29, 2005

**HESLIN ROTHENBERG FARLEY & MESITI P.C.**

5 Columbia Circle

Albany, New York 12203

Telephone: (518) 452-5600

Facsimile: (518) 452-5579



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,030	07/09/2003	Sean Strait	0545.033	1548

23405 7590 03/30/2004

HESLIN ROTHENBERG FARLEY & MESITI PC  
5 COLUMBIA CIRCLE  
ALBANY, NY 12203

*NH/AC*

EXAMINER

COMPTON, ERIC B

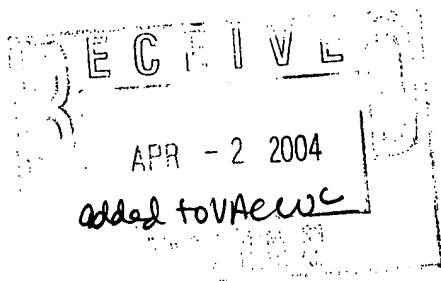
ART UNIT PAPER NUMBER

3726

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED 6/30/04



**Exhibit A**

# Notice of Allowability

Application No.

10/616,030

Examiner

Eric B. Compton

Applicant(s)

STRAIT, SEAN

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an application filed 7/9/2003.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 7/9/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Victor Cardona on March 24, 2004.

The application has been amended as follows:

In the Specification, Section [0001], line 1, "6,282,639" should read –6,283,639—

Note: the above amendment was made to resolve a minor typographical error with respect to the Pat. Number. See Section [0021] (showing correct patent designation).

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Figure 1 will be labeled –Prior Art–; Figure 4, reference 143 (left) will include an arrow pointing at the roller element. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Art Unit: 3726

3. The following is an examiner's statement of reasons for allowance: the prior art of record does not teach or suggest a method (or apparatus) for adjusting the spacer of a bearing assembly comprising: a preload regulator comprising first and second portion, and a controller coupled to said first and said second portions to detect an electrical contact between said first and said second portions, in combination with the other claimed subject matter.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric B. Compton whose telephone number is (703) 305-0240. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter B. Vo can be reached on (703) 308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Eric Compton  
Patent Examiner  
A/U 3726



DAVID P. BRYANT  
PRIMARY EXAMINER

571-  
272-  
4527

INFORMATION DISCLOSURE CITATION	Docket No.: 0545.033	Serial No. Unassigned
	Applicant: .Strait	
	Filing Date: Filed Herewith	Group: Unassigned

U.S. PATENT DOCUMENTS							
Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
SC	AA	6,327,773 B1	12/11/2001	RODE	29	724	
EC	AB	6,461,051 B1	10/08/2002	RODE	384	551	

FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	Date	Country	Class	Subclass	Translation	
							Yes	No

Other Documents (including Author, Title, Date, pertinent public. etc.)		

Examiner <i>Eric Cantor</i>	Date Considered <i>3/24/04</i>
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**Notice of References Cited**

Application/Control No.

10/616,030

Applicant(s)/Patent Under  
Reexamination  
STRAIT, SEAN

Examiner

Eric B. Compton

Art Unit

3726

Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,446,339	09-2002	Takamizawa et al.	29/898.09
*	B	US-6,487,775	12-2002	Rode, John E.	29/898.09
*	C	US-6,662,449	12-2003	Rode, John E.	29/898.09
*	D	US-6,684,506	02-2004	Rode, John E.	29/898.09
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

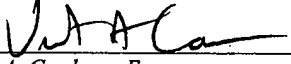


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicant:** Strait  
**Confirmation No.:** 1548  
**Serial No.:** 10/616,030  
**Group Art Unit:** 3726  
**Filed:** July 9, 2003  
**Examiner:** Eric B. Compton  
**Title:** BEARING ASSEMBLY SPACER ADJUSTABLE SYSTEM AND METHOD  
FOR ADJUSTING A SPACER

CERTIFICATE OF MAILING

*I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop PGPUB Drawings, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on June 28, 2004*

  
Victor A. Cardona, Esq.  
Attorney for Applicant  
Reg. No. 44,589

Date of Signature: June 28, 2004

To: Mail Stop PGPUB Drawings  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

RESPONSE TO NOTICE OF ALLOWABILITY

Dear Sir:

This paper is filed in response to the Notice of Allowability mailed on March 30, 2004, in connection with the above-identified U.S. patent application. The three-month period for response expires on June 30, 2004. Accordingly, this response is timely filed.

Please amend the above-identified application as follows:

**Amendments to the Drawings** begin on page 2 of this paper, and include both an attached replacement sheet and an annotated sheet showing changes.

**Remarks** begin on page 3 of this paper.

Exhibit B

**AMENDMENT**

**Amendments to the Drawings:**

Replacement Drawings are attached herewith. Amendments have been made to FIGS. 1 and 4. In FIG. 1 the text "PRIOR ART" was previously omitted, and in FIG. 4 a line from identifier 143 was previously omitted. Marked up copies of FIGS. 1 and 4 are also attached herewith.

Attachment: Replacement FIGS. 1-6  
Annotated Sheets Showing Changes to FIGS. 1 and 4

**REMARKS**

In response to the Notice of Allowability dated March 30, 2004, FIGS. 1 and 4 have been amended. Entry of these amendments, reconsideration of the application, and allowance of the claims is respectfully requested. No new matter has been added.

Applicant awaits the issuance of a Notice of Allowance and Issue Fee Due.

If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicant's undersigned attorney invites the Examiner to telephone him at the number provided.

*Respectfully submitted,*



Victor A. Cardona, Esq.  
Attorney for Applicant  
Registration No. 44,589

Dated: June 28, 2004

**HESLIN ROTHENBERG FARLEY & MESITI P.C.**

5 Columbia Circle

Albany, New York 12203

Telephone: (518) 452-5600

Facsimile: (518) 452-5579

Customer No.: 23405

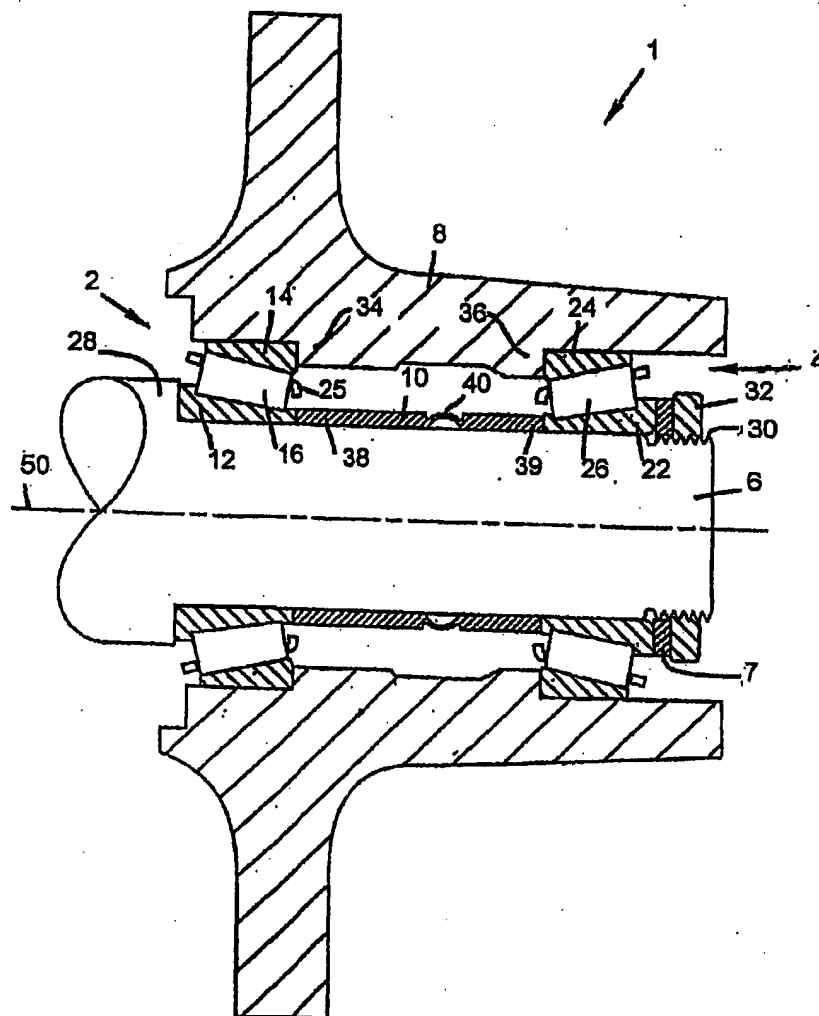
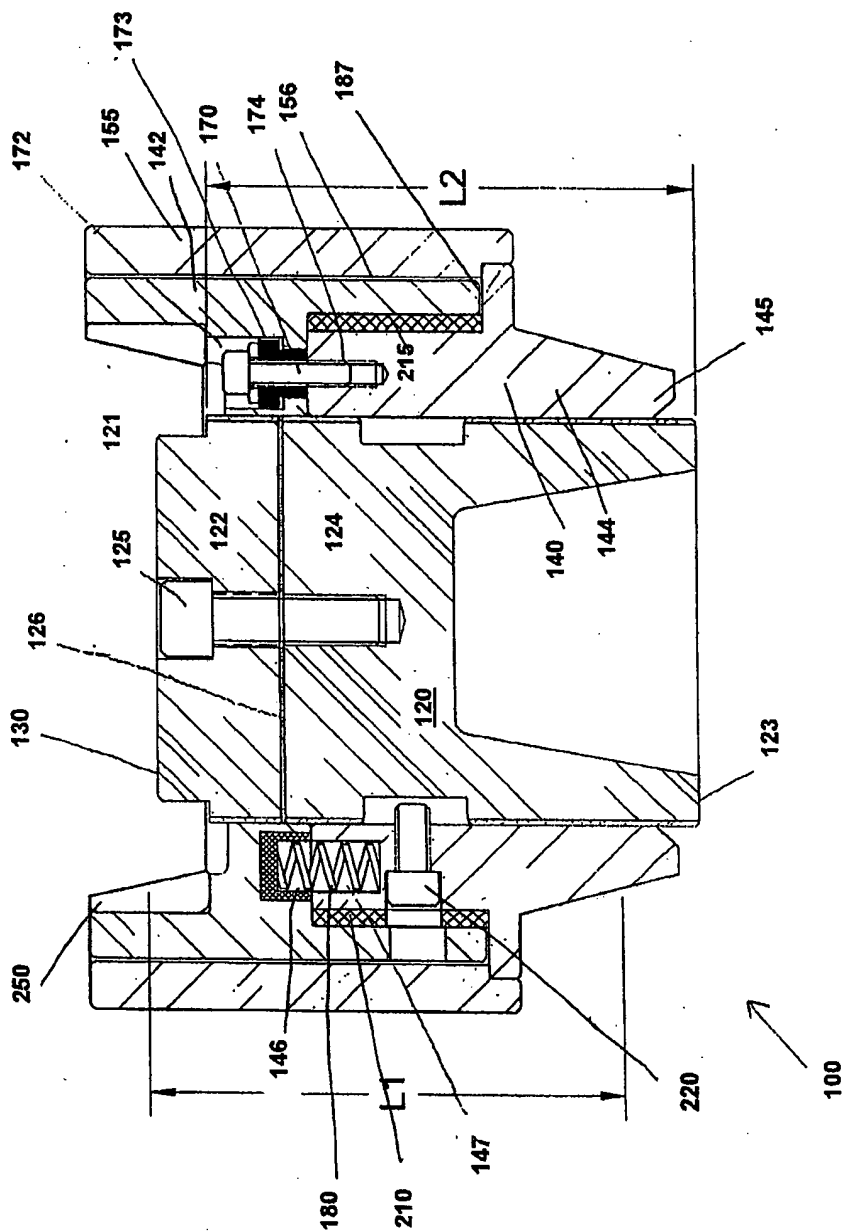


FIG. 1

PRIOR ART



**FIG. 2**

3/6

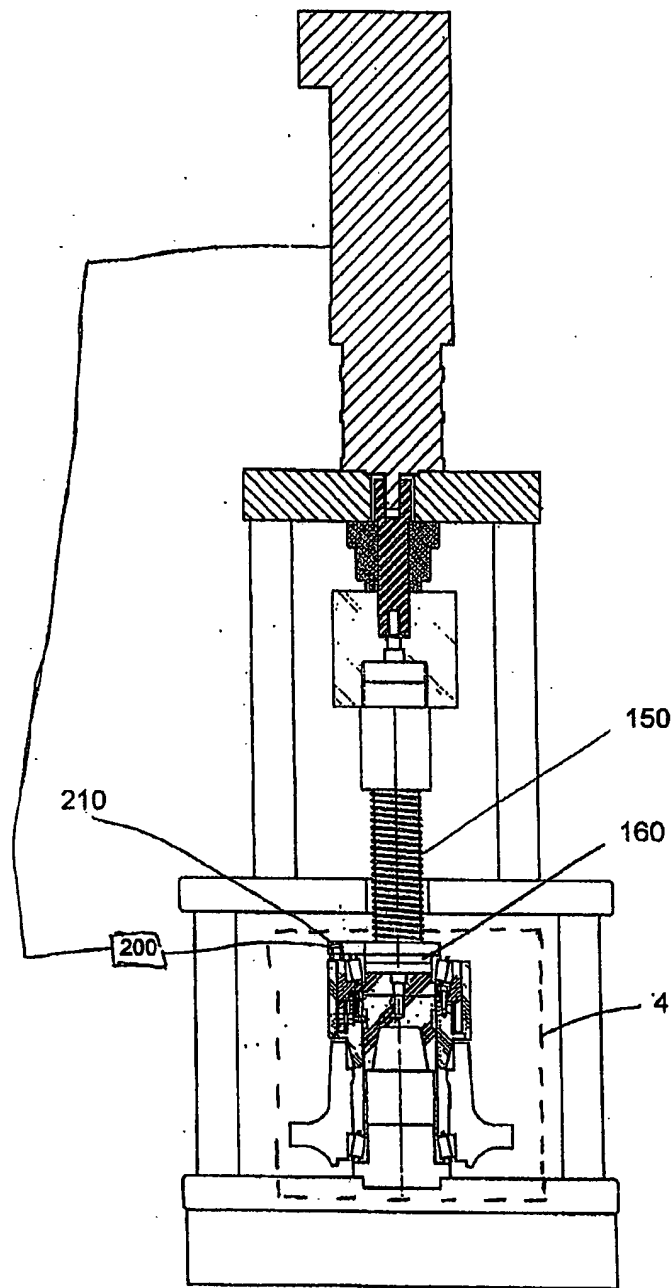


FIG. 3

FIG. 4

5/6

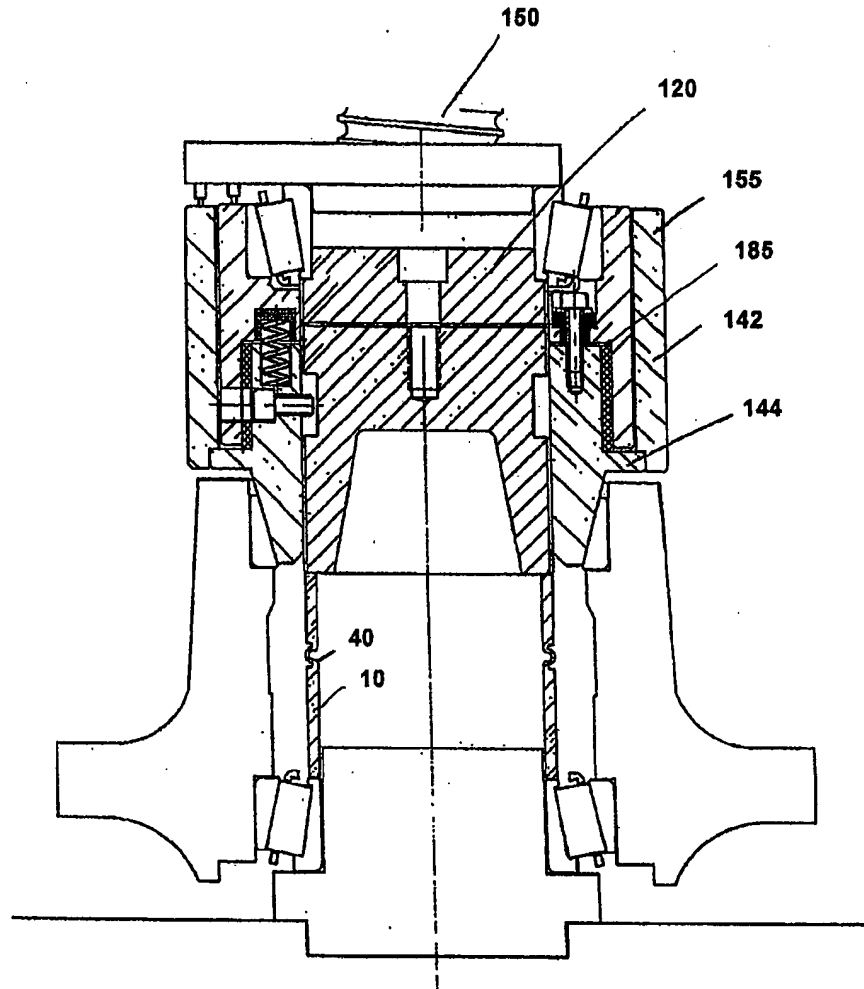


FIG. 5



6/6

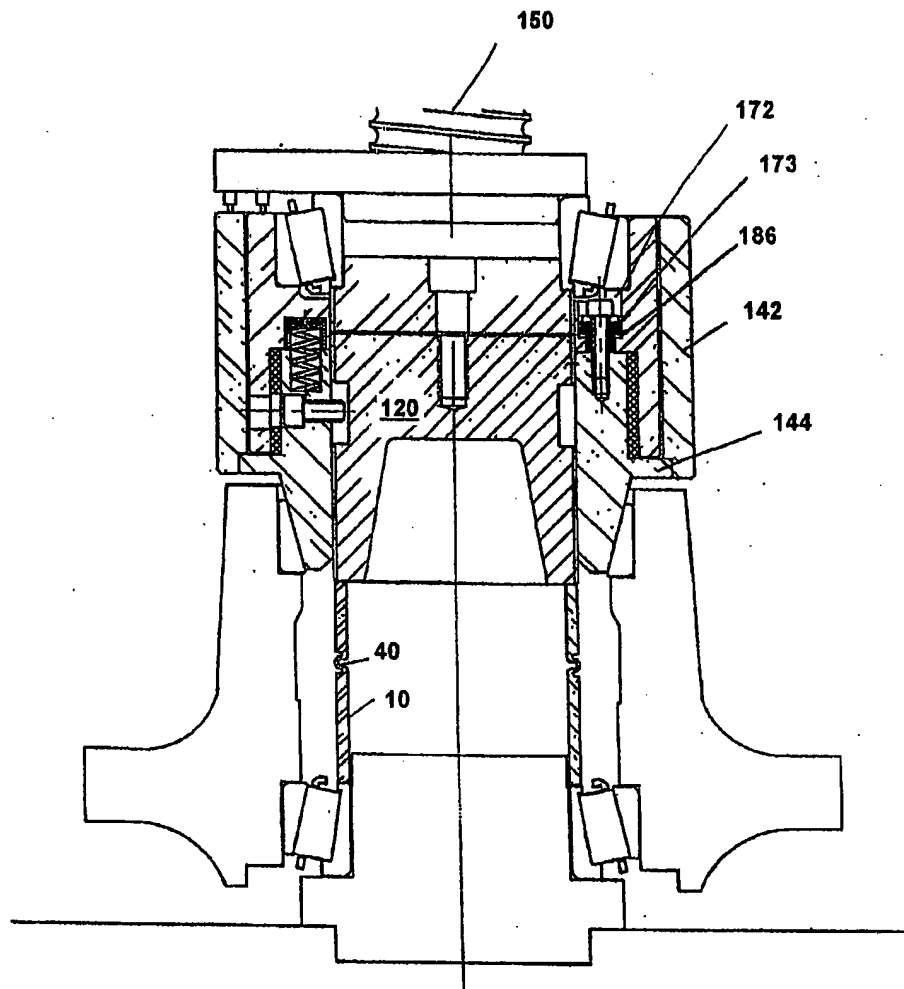


FIG. 6

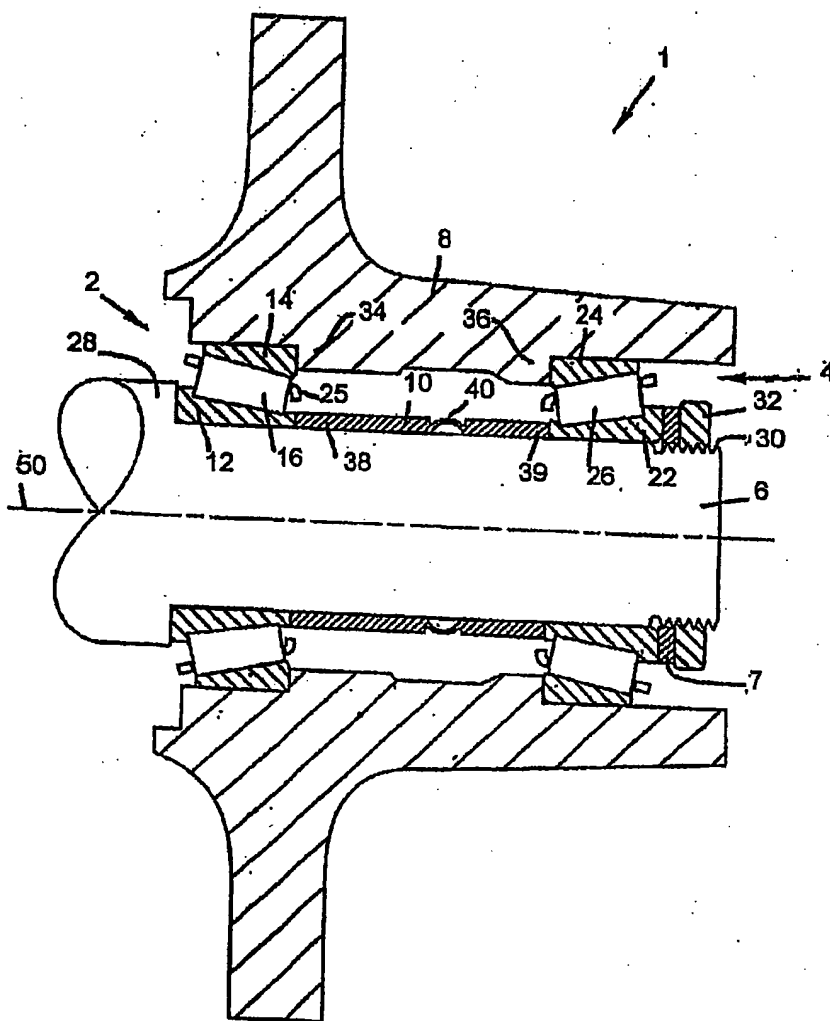


FIG. 1

PRIOR ART

MARKED UP COPY

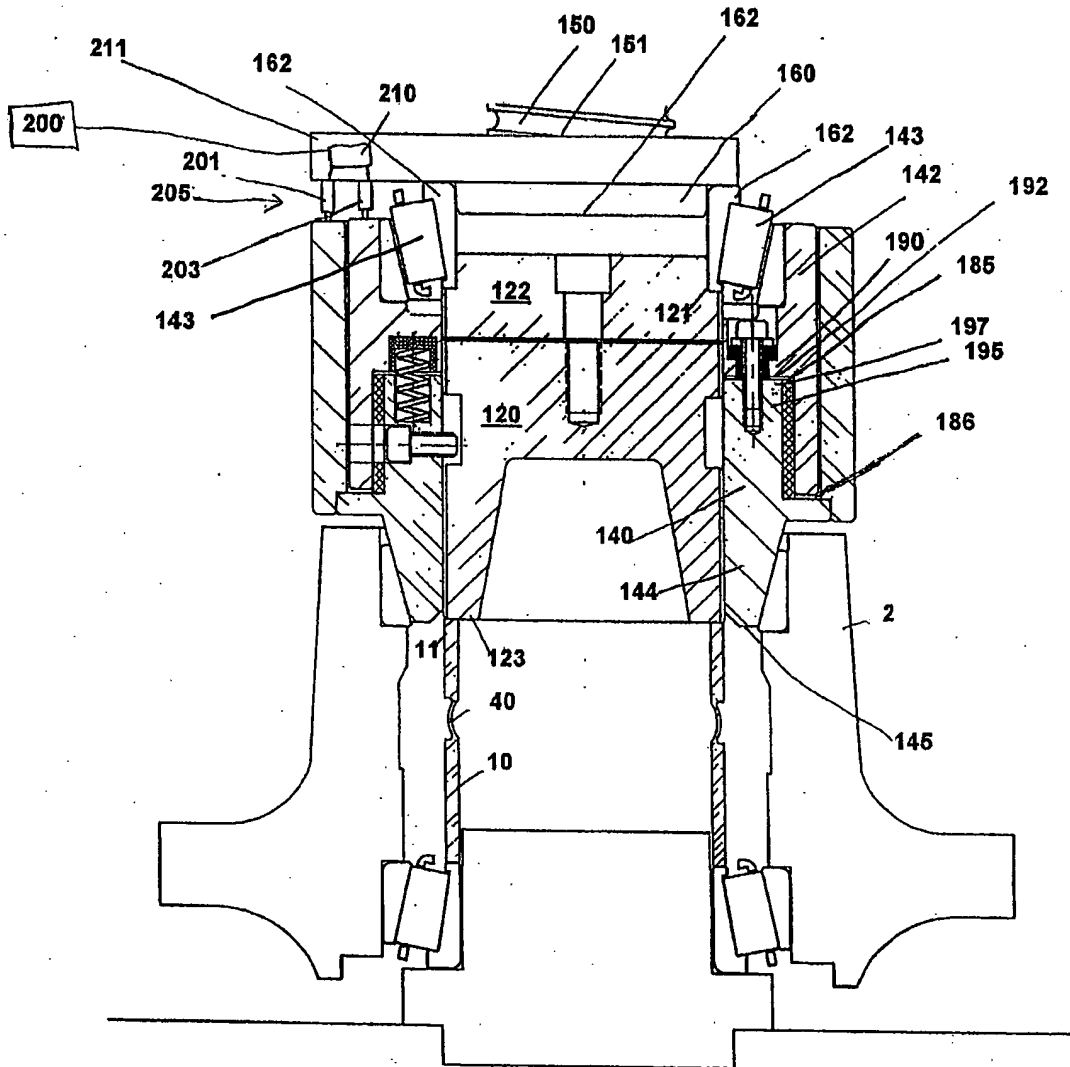
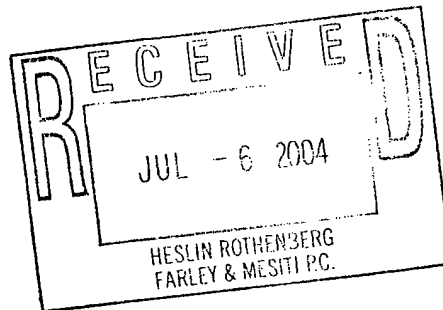


FIG. 4

MARKED UP COPY



**Applicant:** Strait  
**Serial No.** 10/616,030  
**Filing Date:** July 9, 2003  
**Title:** BEARING ASSEMBLY SPACER  
ADJUSTABLE SYSTEM AND METHOD FOR  
ADJUSTING A SPACER

**Enclosed:**

- \* One (1) Acknowledgment Postcard
- \* Response to Notice of Allowability (4 pages)
- \* Replacement FIGS. 1-6 (6 pages)
- \* Marked-Up Copies of Amended FIGS. 1 & 4



**File No.:** 0545.033/VAC/ccw

**Date Mailed:** June 28, 2004  
**Date Due:** June 30, 2004



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,030	07/09/2003	Sean Strait	0545.033	1548

23405 7590 01/09/2006

HESLIN ROTHENBERG FARLEY & MESITI PC  
5 COLUMBIA CIRCLE  
ALBANY, NY 12203

EXAMINER

COMPTON, ERIC B

ART UNIT

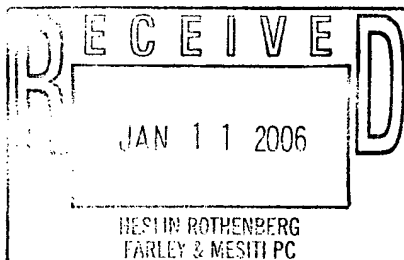
PAPER NUMBER

3726

DATE MAILED: 01/09/2006

*NM/UC*

Please find below and/or attached an Office communication concerning this application or proceeding.



**Supplemental  
Notice of Allowability**

Application No.

10/616,030

Examiner

Eric B. Compton

Applicant(s)

STRAIT, SEAN

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an application filed 7/9/03.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 2/23/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
Eric B. Compton  
Primary Examiner  
Art Unit: 3726



INFORMATION DISCLOSURE CITATION	Docket No. 0545.033	Serial No. 10/616,030
	Applicant: Strait, Sean	
	Filing Date: July 9, 2003	Group: Unassigned

U.S. PATENT DOCUMENTS							
Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
EC	AA	4,067,585	01/10/1978	Rode	277	200	
	AB	4,125,929	11/21/1978	Rode	29	446	
	AC	4,214,465	07/29/1980	Rode	72	36	
	AD	4,492,018	01/08/1985	Rode	29	437	
	AE	4,611,935	09/16/1986	Rode	384	548	
	AF	5,224,259	07/06/1993	Rode	29	598	
	AG	5,329,196	07/12/1994	Rode	310	156	
	AH	5,402,560	04/04/1995	Rode	29	252	
	AI	5,435,576	07/25/1995	Rode	277	236	
	AJ	5,535,517	07/16/1996	Rode	29	898.09	
	AK	5,549,397	08/27/1996	Rode	384	551	
	AL	5,569,967	10/29/1996	Rode	310	103	
	AM	5,589,664	12/31/1996	Rode	174	52.1	
	AN	5,699,706	12/23/1997	Rode	83	18	
	AO	5,785,434	07/28/1998	Rode	384	551	
	AP	6,004,040	12/21/1999	Rode	384	583	
	AQ	6,244,751	06/12/2001	Rode	384	551	
	AR	6,283,639	09/04/2001	Rode	384	551	
	AS	6,327,773 B1	12/11/2001	Rode	29	724	
	AT	6,352,267	03/05/2002	Rode	277	631	
	AU	6,418,613 B1	07/16/2002	Rode	29	714	
EC	AV	6,461,051 B1	10/08/2002	Rode	384	551	

Examiner <i>Eric Conston</i>	Date Considered <i>12/28/2005</i>
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INFORMATION DISCLOSURE CITATION	Docket No. 0545.033	Serial No. 10/616,030
	Applicant: Strait, Sean	
	Filing Date: July 9, 2003	Group: Unassigned

EC	AW	6,487,775 B2	12/03/2002	Rode	29	898.09	
I	AX	6,662,449 B2	12/16/2003	Rode	29	898.09	
EC	AY	US2003-0137089 A1	07/24/2003	Rode			

## FOREIGN PATENT DOCUMENTS

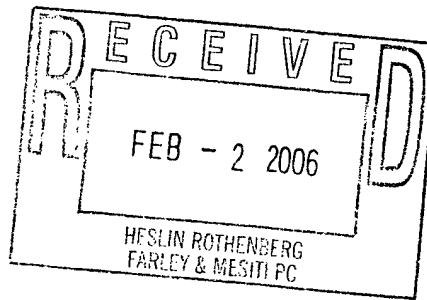
		DOCUMENT NUMBER	Date	Country	Class	Subclass	Translation	
							Yes	No
	BA							
	BB							
	BC							

## Other Documents (including Author, Title, Date, pertinent public. etc.)

	CA	
	CB	
	CC	

Examiner <i>Eric Conpton</i>	Date Considered <i>12/28/05</i>
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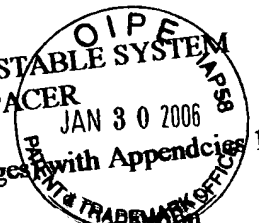
Applicant: Strait  
Serial No. 10/616,030  
Filing Date: July 9, 2003  
Title: BEARING ASSEMBLY SPACER ADJUSTABLE SYSTEM  
AND METHOD FOR ADJUSTING A SPACER

Enclosed with the Return-Receipt Postcard:

- \* Request for PTOL-85 - Part(B) Fees Transmittal (2 pages) with Appendices 1 and 2:
- \* Appendix 1 - Copy of November 29, 2005 Facsimile - Communication Regarding Status of Patent Application, including ~~Auto-Reply~~ Facsimile Transmission from U.S. Patent and Trademark Office (21 pages total), which includes Exhibits A and B (Exhibit A - March 30, 2004 Notice of Allowability / Exhibit B - June 28, 2004 Response to Notice of Allowability)
- \* Appendix 2 - Copy of January 9, 2006 Supplemental Notice of Allowability (4 pages)

File No.: 0545.033/VAC/ccw

Date Mailed: 01/25/2006  
Date Due: N/A



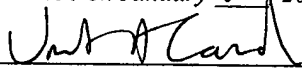
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicant:** Strait  
**Serial No.:** 10/616,030  
**Filed:** July 9, 2003  
**Title:** BEARING ASSEMBLY SPACER ADJUSTABLE SYSTEM AND METHOD FOR ADJUSTING A SPACER

**Confirmation No.:** 1548  
**Group Art Unit:** 3726  
**Examiner:** Eric B. Compton

**CERTIFICATE OF MAILING**

*I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on January 25, 2006.*

  
\_\_\_\_\_  
Victor A. Cardona, Esq.  
Attorney for Applicant(s)  
Registration No. 44,589

Date of Signature: January 25, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**REQUEST FOR PTOL-85 – PART(B) FEES TRANSMITTAL**

Dear Sir:

Applicant received a Notice of Allowability and Examiner's Amendment, dated March 30, 2004, relative to the above-identified patent application. The Notice of Allowability required Corrected Drawings in response to the Examiner's Amendment. A response to the Notice of Allowability was due to be filed on or before June 30, 2004. A PTOL-85 – Part (B) Fees Transmittal was not a part of the Notice of Allowability.

A response to the Notice of Allowability, with corrected drawings, was timely filed with the U.S. Patent and Trademark Office on June 28, 2004.

On November 29, 2005 Applicant's undersigned attorney filed a COMMUNICATION REGARDING STATUS OF PATENT APPLICATION, via facsimile, with the U.S. Patent and Trademark Office. A copy of the Communication is attached hereto for the Commissioner's convenience as **Appendix 1**. The Communication requests that a Notice of Allowance be issued relative to the above-identified matter, and includes copies of the March 30, 2004 Notice of Allowability (Exhibit A of Appendix 1, along with a applicant's response as timely filed on June 28, 2004 and received in the U.S. Patent and Trademark Office on July 1, 2004 (Exhibit B of Appendix 1).

On January 9, 2006 the Commissioner of Patent issued a Supplemental Notice of Allowability relative to this matter, a copy of which is attached herewith as **Appendix 2**. A PTOL-85 – Part (B) Fees Transmittal was not a part of the Supplemental Notice of Allowability.

As the original Notice of Allowability was issued approximately twenty-two months ago, and Applicant has yet to receive the Notice of Allowance from the U.S. Patent and Trademark Office, applicant respectfully requests that the Notice of Allowance and PTOL-85 – Part (B) Fees Transmittal be issued and forwarded to applicant's undersigned attorney so that the issue fee relative to this matter can be paid.

If a telephone conference would be of assistance in advancing the issuance of a Notice of Allowance and PTOL-85 – Part (B) Fees Transmittal, the Examiner is invited to contact applicant's undersigned attorney at the telephone number provided below.

*Respectfully submitted,*



Victor A. Cardona, Esq.  
Attorney for Applicant  
Registration No. 44,589

Dated: January 26, 2006

**HESLIN ROTHENBERG FARLEY & MESITI P.C.**

5 Columbia Circle

Albany, New York 12203

Telephone: (518) 452-5600

Facsimile: (518) 452-5579



file

# Auto-Reply Facsimile Transmission



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Fax Information

Date Received:

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11/29/2005 10:26 FAX 518 452 5579 HESTIN WITHENBERG - USPTO-KENNYNKS 001/020

Docket No. 0545,033  
U.S. Serial No. 10/616,030

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Strait

Confirmation No.: 1548

Serial No.: 10/616,030

Group Art Unit: 3726

Filed: July 9, 2003

Examiner: Eric B. Compton

Title: BEARING ASSEMBLY SPACER ADJUSTABLE SYSTEM AND METHOD FOR ADJUSTING A SPACER

### CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, Attn: Examiner Eric B. Compton, Group Art Unit 3726, at facsimile no. 1-571-273-8300, on November 25, 2005.

*Victor A. Cardno*  
Victor A. Cardno, Esq.  
Attorney for Applicant(s)  
Registration No. 44,589

Date of Signature: November 27, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

FAX NO.: 1-571-273-8300  
NO. OF PAGES: 20

### COMMUNICATION REGARDING STATUS OF PATENT APPLICATION

Dear Sir:

Applicant received a Notice of Allowability and Examiner's Amendment, dated March 30, 2004, relative to the above-identified patent application, a copy of which is attached as Exhibit A. The Notice of Allowability required Corrected Drawings in response to the Examiner's Amendment. A response to the Notice of Allowability was due to be filed on or before June 30, 2004.

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	1614
RECIPIENT ADDRESS	15712738300
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PAGES SENT	20
RESULT	OK


Docket No. 0545.033  
U.S. Serial No. 10/616,030

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Applicant:</b>	Strait	<b>Confirmation No.:</b>	1548
<b>Serial No.:</b>	10/616,030	<b>Group Art Unit:</b>	3726
<b>Filed:</b>	July 9, 2003	<b>Examiner:</b>	Eric B. Compton
<b>Title:</b>	BEARING ASSEMBLY SPACER ADJUSTABLE SYSTEM AND METHOD FOR ADJUSTING A SPACER		

**CERTIFICATE OF FACSIMILE TRANSMISSION**

*I hereby certify that this correspondence is being transmitted by facsimile to  
Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450,  
Attn, Examiner Eric B. Compton, Group Art Unit 3726, at facsimile no. 1-571-  
273-8300, on November 25, 2005.*



*Victor A. Cardona, Esq.  
Attorney for Applicant(s)  
Registration No. 44,589*

*Date of Signature: November 27, 2005*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

FAX NO.: 1-571-273-8300  
NO. OF PAGES: 20

**COMMUNICATION REGARDING STATUS OF PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** Strait  
**Serial No.:** 10/616,030  
**Filed:** July 9, 2003  
**Title:** BEARING ASSEMBLY SPACER ADJUSTABLE SYSTEM AND METHOD FOR ADJUSTING A SPACER

**Confirmation No.:** 1548  
**Group Art Unit:** 3726  
**Examiner:** Eric B. Compton

**CERTIFICATE OF FACSIMILE TRANSMISSION**

*I hereby certify that this correspondence is being transmitted by facsimile to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, Attn, Examiner Eric B. Compton, Group Art Unit 3726, at facsimile no. 1-571-273-8300, on November 25, 2005.*



Victor A. Cardona, Esq.  
Attorney for Applicant(s)  
Registration No. 44,589

Date of Signature: November 27, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

FAX NO.: 1-571-273-8300  
NO. OF PAGES: 20

**COMMUNICATION REGARDING STATUS OF PATENT APPLICATION**

Dear Sir:

Applicant received a Notice of Allowability and Examiner's Amendment, dated March 30, 2004, relative to the above-identified patent application, a copy of which is attached as Exhibit A. The Notice of Allowability required Corrected Drawings in response to the Examiner's Amendment. A response to the Notice of Allowability was due to be filed on or before June 30, 2004.

A response to the Notice of Allowability, with corrected drawings, was timely filed with the U.S. Patent and Trademark Office on June 28, 2004, a copy of which is attached herewith at Exhibit B.

Applicant has yet to receive the Notice of Allowance from the U.S. Patent and Trademark Office. Applicant respectfully requests that the Notice of Allowance be issued at the U.S. Patent and Trademark Office's earliest convenience.

*Respectfully submitted,*



Victor A. Cardona, Esq.  
Attorney for Applicant  
Registration No. 44,589

Dated: November 29, 2005

**HESLIN ROTHENBERG FARLEY & MESITI P.C.**

5 Columbia Circle

Albany, New York 12203

Telephone: (518) 452-5600

Facsimile: (518) 452-5579





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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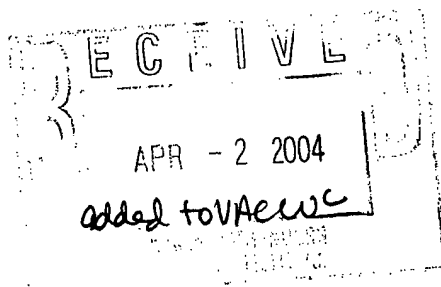
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,030	07/09/2003	Sean Strait	0545.033	1548
23405	7590	03/30/2004		
HESLIN ROTHENBERG FARLEY & MESITI PC 5 COLUMBIA CIRCLE ALBANY, NY 12203				
			EXAMINER COMPTON, ERIC B	
			ART UNIT	PAPER NUMBER
			3726	

*NH/VAC*

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED 6/30/04



**Exhibit A**

# Notice of Allowability

Application No.

10/616,030

Examiner

Eric B. Compton

Applicant(s)

STRAIT, SEAN

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an application filed 7/9/2003.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  3. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 7/9/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Victor Cardona on March 24, 2004.

The application has been amended as follows:

In the Specification, Section [0001], line 1, "6,282,639" should read -6,283,639—

Note: the above amendment was made to resolve a minor typographical error with respect to the Pat. Number. See Section [0021] (showing correct patent designation).

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Figure 1 will be labeled -Prior Art--; Figure 4, reference 143 (left) will include an arrow pointing at the roller element. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Art Unit: 3726

3. The following is an examiner's statement of reasons for allowance: the prior art of record does not teach or suggest a method (or apparatus) for adjusting the spacer of a bearing assembly comprising: a preload regulator comprising first and second portion, and a controller coupled to said first and said second portions to detect an electrical contact between said first and said second portions, in combination with the other claimed subject matter.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric B. Compton whose telephone number is (703) 305-~~0240~~. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter B. Vo can be reached on (703) 308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Eric Compton  
Patent Examiner  
A/U 3726



DAVID P. BRYANT  
PRIMARY EXAMINER

571-  
272-  
4527

INFORMATION DISCLOSURE CITATION	Docket No.: 0545.033	Serial No. Unassigned
	Applicant: .Strait	
	Filing Date: Filed Herewith	Group: Unassigned

U.S. PATENT DOCUMENTS							
Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
SC	AA	6,327,773 B1	12/11/2001	RODE	29	724	
EC	AB	6,461,051 B1	10/08/2002	RODE	384	551	

FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	Date	Country	Class	Subclass	Translation	
							Yes	No

Other Documents (including Author, Title, Date, pertinent public. etc.)		

Examiner <i>Eric Carter</i>	Date Considered <i>3/29/04</i>
-----------------------------	--------------------------------

**Notice of References Cited**

Application/Control No.

10/616,030

Applicant(s)/Patent Under  
Reexamination  
STRAIT, SEAN

Examiner

Eric B. Compton

Art Unit

3726

Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,446,339	09-2002	Takamizawa et al.	29/898.09
*	B	US-6,487,775	12-2002	Rode, John E.	29/898.09
*	C	US-6,662,449	12-2003	Rode, John E.	29/898.09
*	D	US-6,684,506	02-2004	Rode, John E.	29/898.09
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

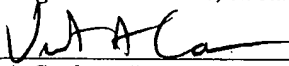
\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Strait Confirmation No.: 1548  
Serial No.: 10/616,030 Group Art Unit: 3726  
Filed: July 9, 2003 Examiner: Eric B. Compton  
Title: BEARING ASSEMBLY SPACER ADJUSTABLE SYSTEM AND METHOD  
FOR ADJUSTING A SPACER

CERTIFICATE OF MAILING

*I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop PGPUB Drawings, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on June 29, 2004*

  
Victor A. Cardona, Esq.  
Attorney for Applicant  
Reg. No. 44,589

Date of Signature: June 29, 2004

To: Mail Stop PGPUB Drawings  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

RESPONSE TO NOTICE OF ALLOWABILITY

Dear Sir:

This paper is filed in response to the Notice of Allowability mailed on March 30, 2004, in connection with the above-identified U.S. patent application. The three-month period for response expires on June 30, 2004. Accordingly, this response is timely filed.

Please amend the above-identified application as follows:

Amendments to the Drawings begin on page 2 of this paper, and include both an attached replacement sheet and an annotated sheet showing changes.

Remarks begin on page 3 of this paper.

Exhibit B

**AMENDMENT**

**Amendments to the Drawings:**

Replacement Drawings are attached herewith. Amendments have been made to FIGS. 1 and 4. In FIG. 1 the text "PRIOR ART" was previously omitted, and in FIG. 4 a line from identifier 143 was previously omitted. Marked up copies of FIGS. 1 and 4 are also attached herewith.

Attachment: Replacement FIGS. 1-6  
Annotated Sheets Showing Changes to FIGS. 1 and 4




**REMARKS**

In response to the Notice of Allowability dated March 30, 2004, FIGS. 1 and 4 have been amended. Entry of these amendments, reconsideration of the application, and allowance of the claims is respectfully requested. No new matter has been added.

Applicant awaits the issuance of a Notice of Allowance and Issue Fee Due.

If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicant's undersigned attorney invites the Examiner to telephone him at the number provided.

*Respectfully submitted,*



Victor A. Cardona, Esq.  
Attorney for Applicant  
Registration No. 44,589

Dated: June 28, 2004

**HESLIN ROTHENBERG FARLEY & MESITI P.C.**  
5 Columbia Circle  
Albany, New York 12203  
Telephone: (518) 452-5600  
Facsimile: (518) 452-5579

Customer No.: 23405

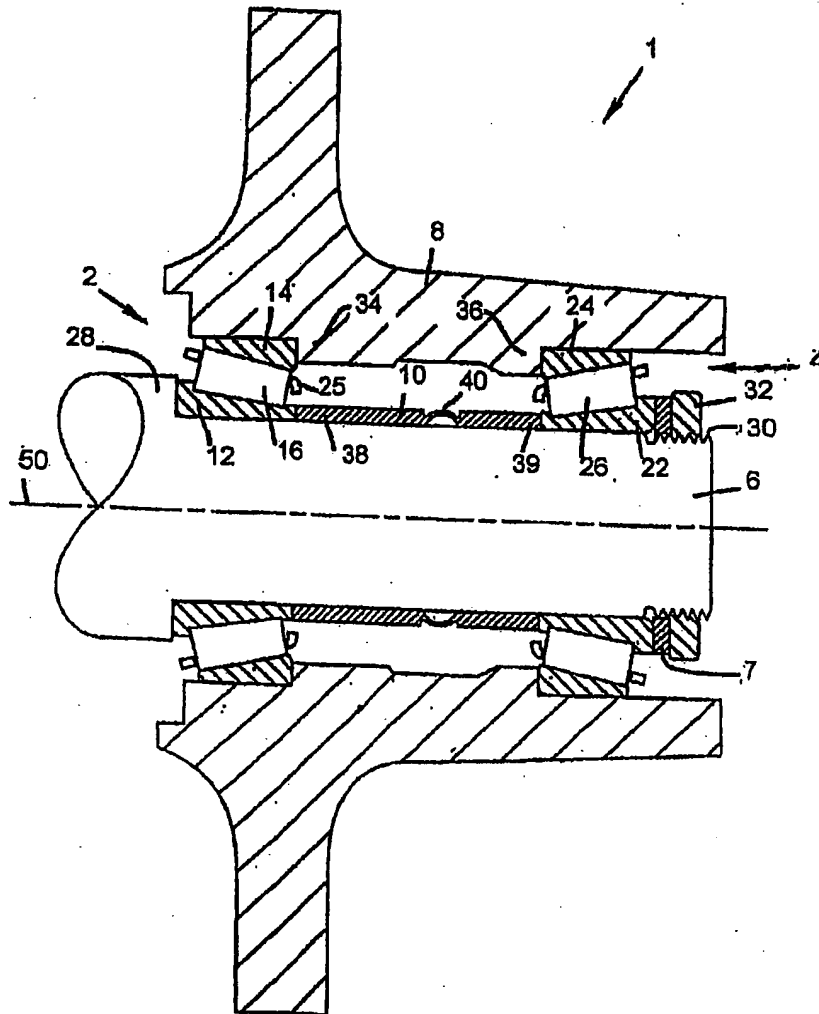


FIG. 1

PRIOR ART



**FIG. 2**

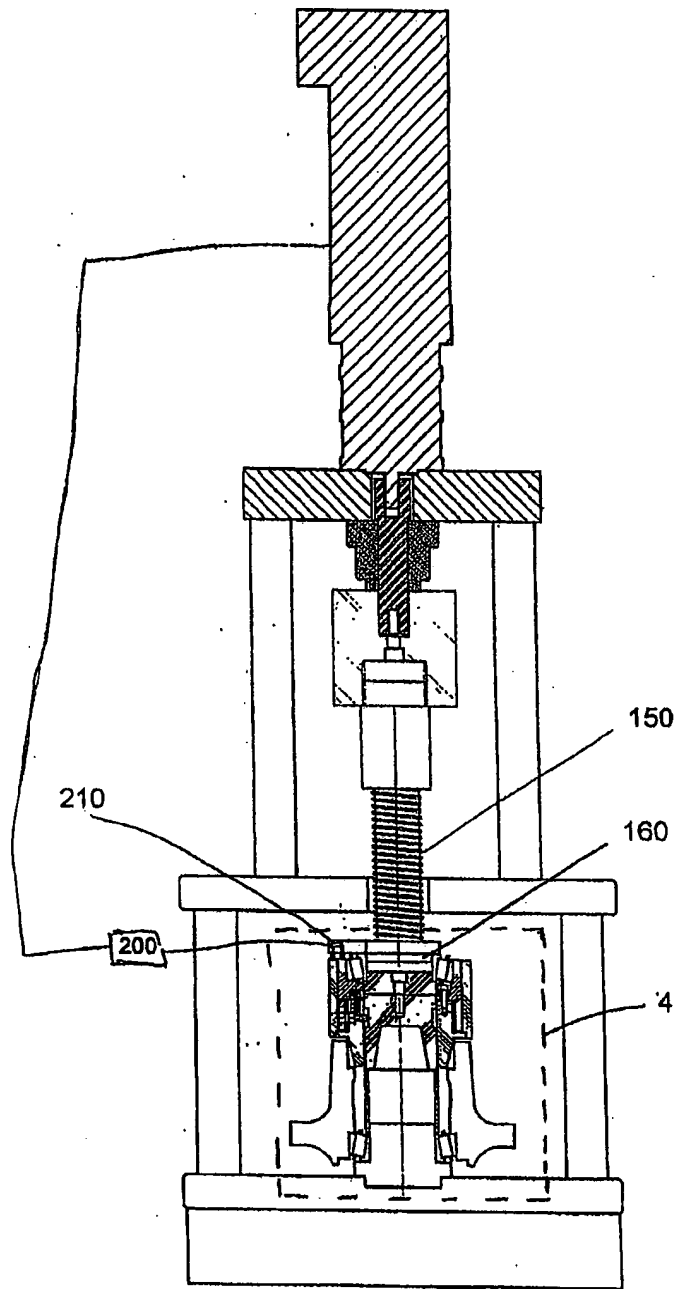
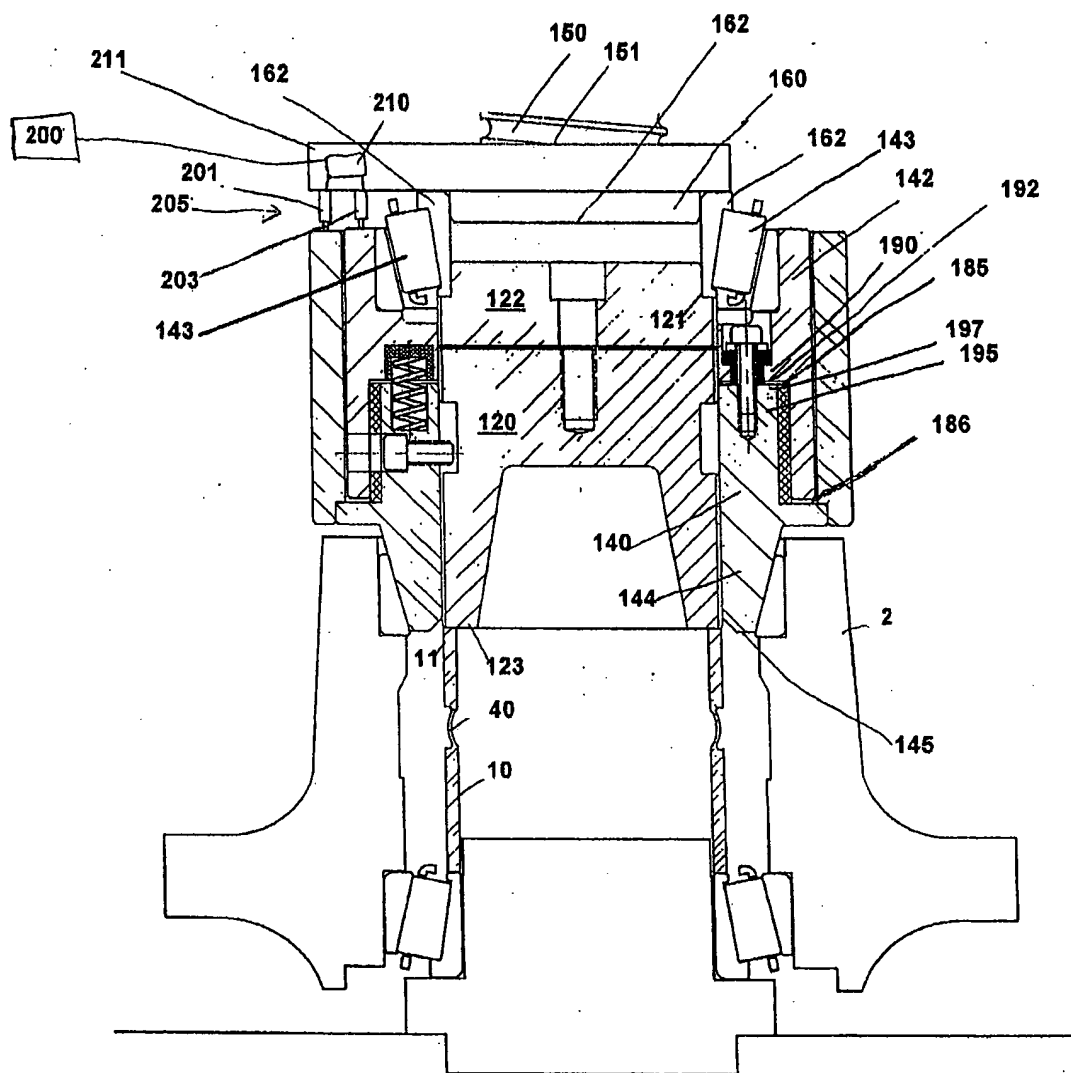


FIG. 3

**Docket No.: 0545.033**

**Title:** Bearing Assembly Spacer Adjustment System and Method for Adjusting a Spacer

**4/6**



**FIG. 4**

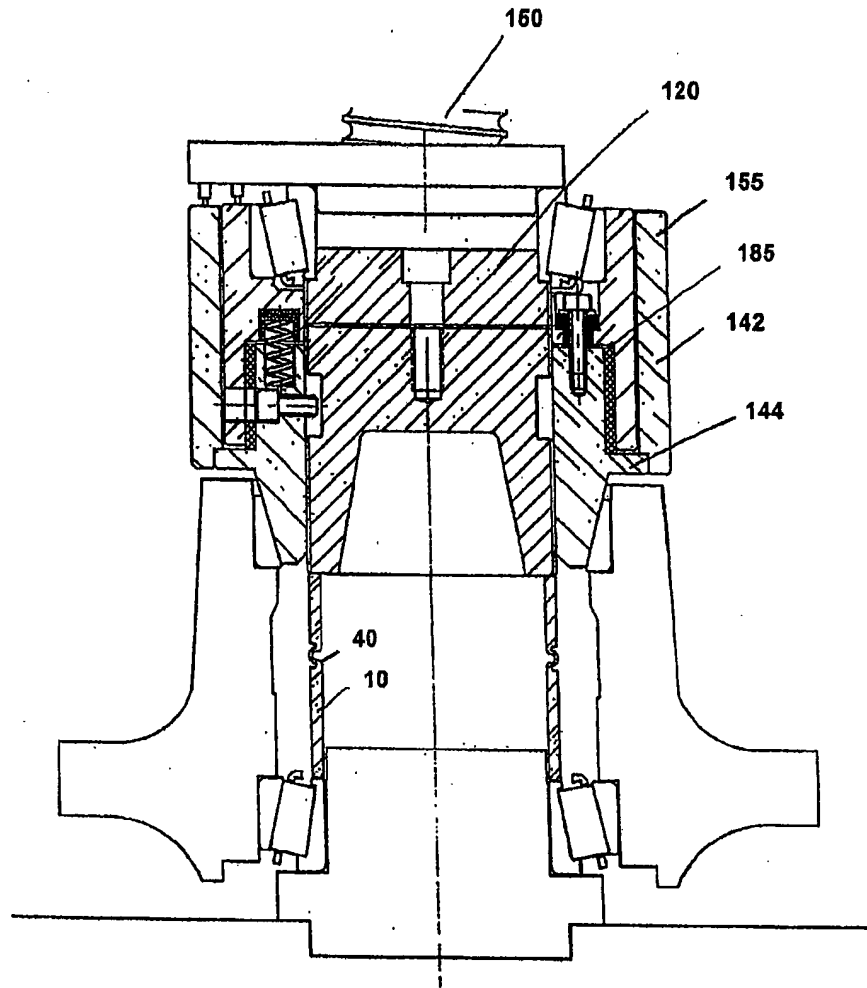


FIG. 5

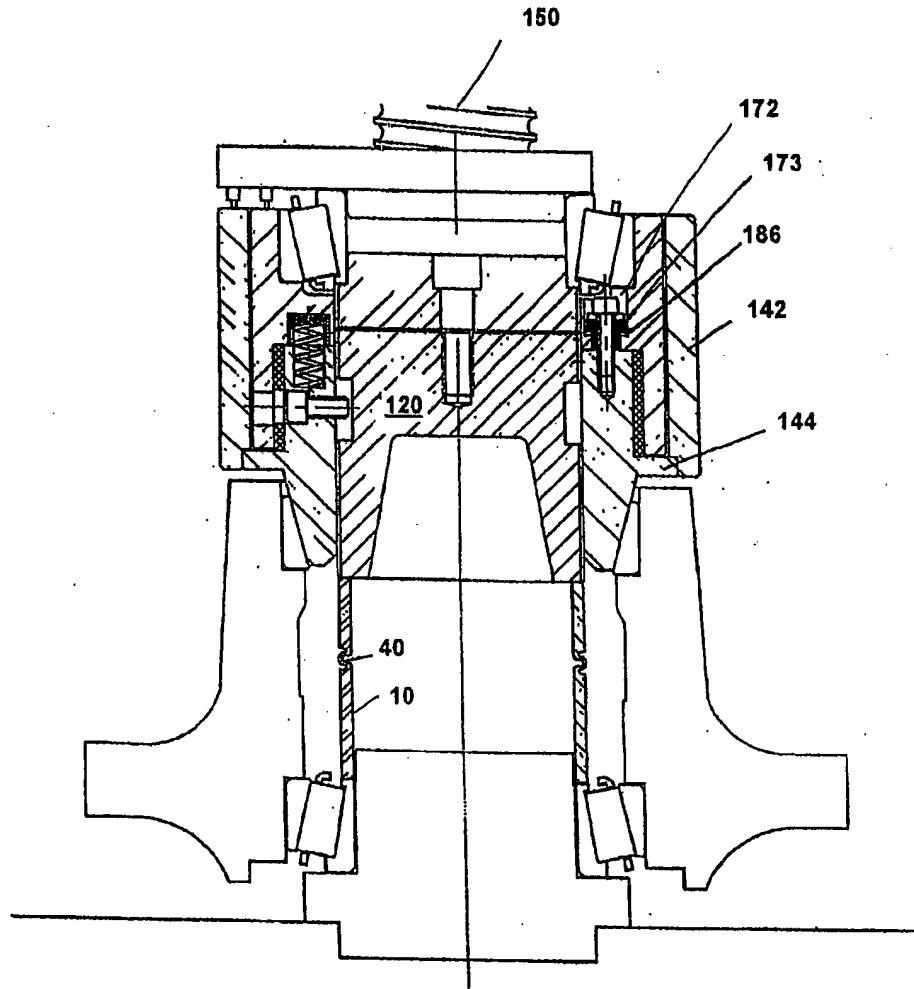


FIG. 6

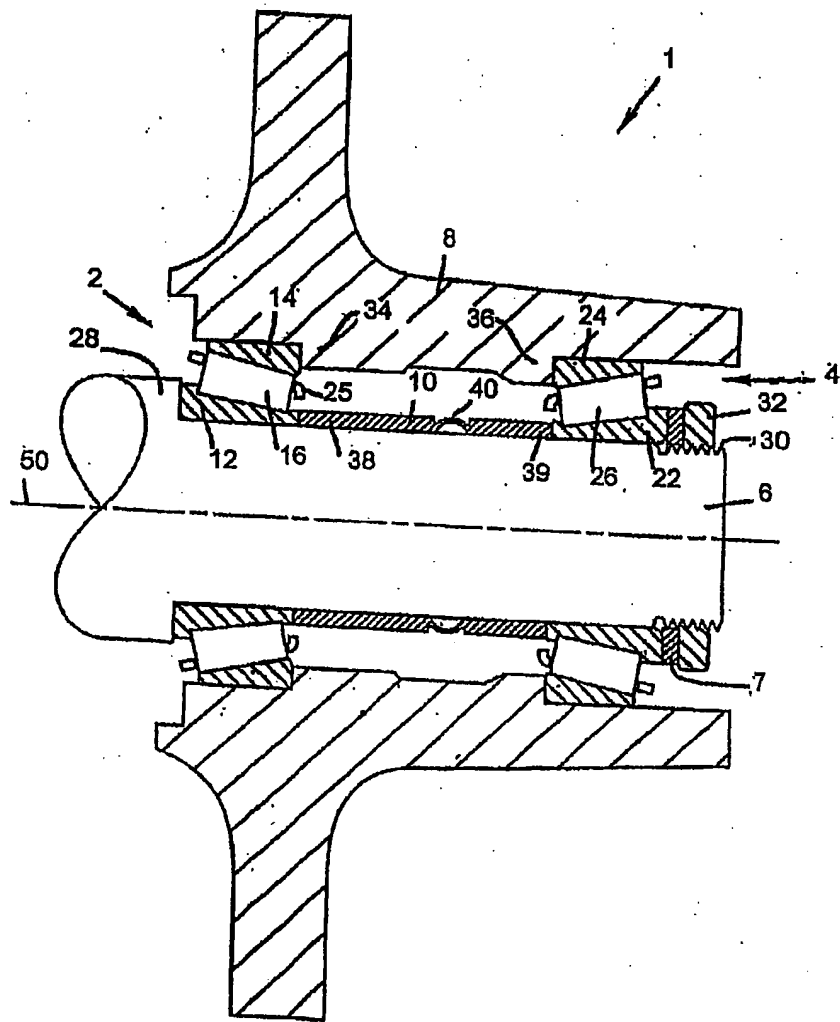
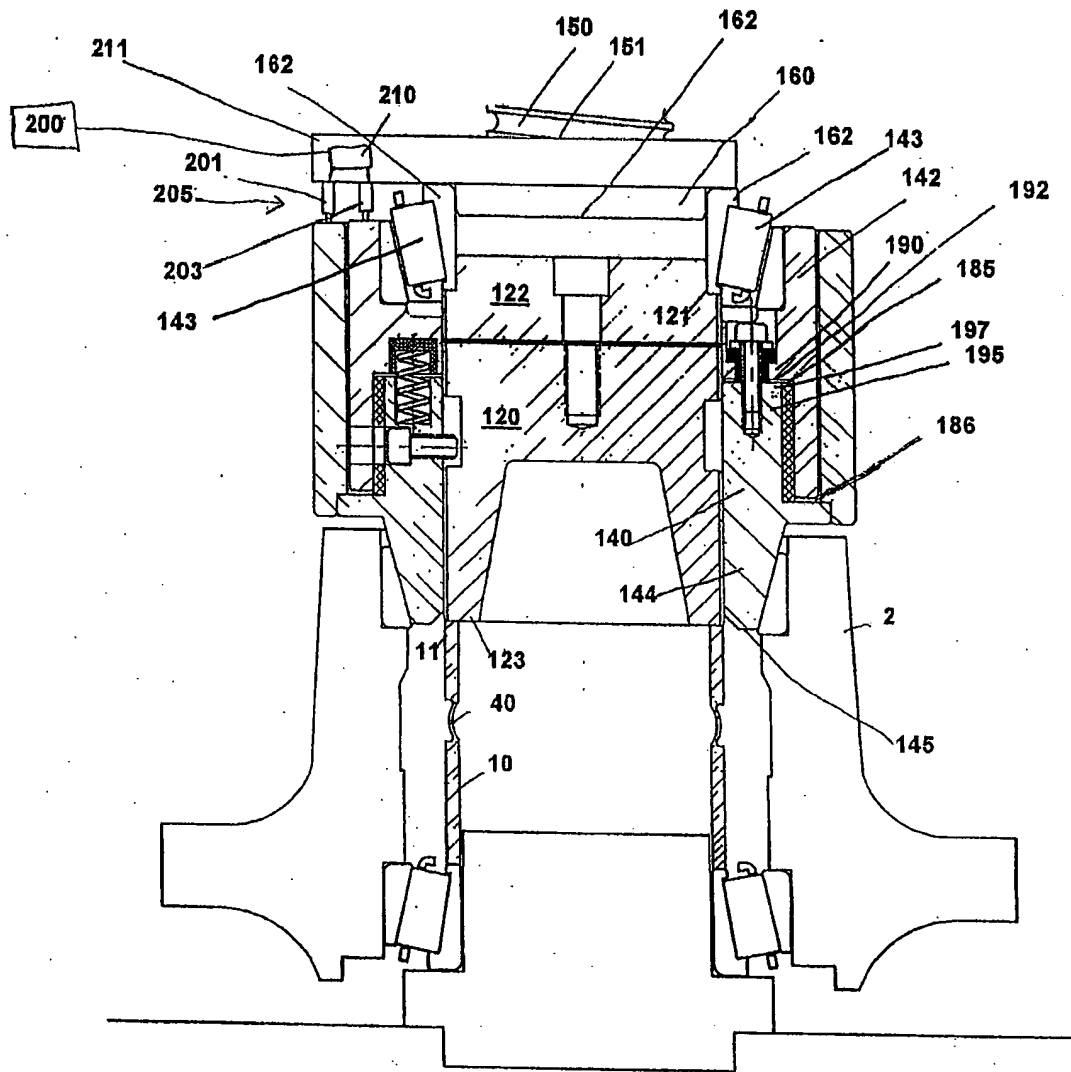


FIG. 1

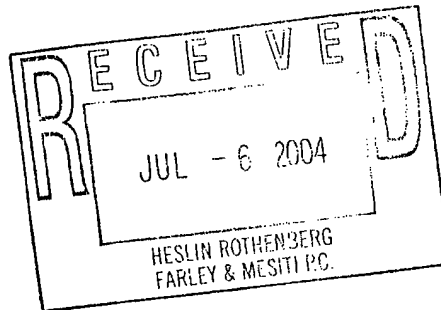
PRIOR ART

MARKED UP COPY





MARKED UP COPY



**Applicant:** Strait  
**Serial No.** 10/616,030  
**Filing Date:** July 9, 2003  
**Title:** BEARING ASSEMBLY SPACER  
ADJUSTABLE SYSTEM AND METHOD FOR  
ADJUSTING A SPACER

**Enclosed:**

- \* One (1) Acknowledgment Postcard
- \* Response to Notice of Allowability (4 pages)
- \* Replacement FIGS. 1-6 (6 pages)
- \* Marked-Up Copies of Amended FIGS. 1 & 4



**File No.:** 0545.033/VAC/ccw

**Date Mailed:** June 28, 2004  
**Date Due:** June 30, 2004





# UNITED STATES PATENT AND TRADEMARK OFFICE

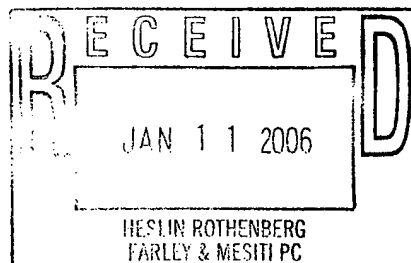
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,030	07/09/2003	Sean Strait	0545.033	1548
23405	7590	01/09/2006		
HESLIN ROTHENBERG FARLEY & MESITI PC 5 COLUMBIA CIRCLE ALBANY, NY 12203				
			EXAMINER COMPTON, ERIC B	
			ART UNIT 3726	PAPER NUMBER

DATE MAILED: 01/09/2006

*NM/UC*

Please find below and/or attached an Office communication concerning this application or proceeding.



**Supplemental  
Notice of Allowability**

Application No.

10/616,030

Examiner

Eric B. Compton

Applicant(s)

STRAIT, SEAN

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an application filed 7/9/03.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
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4. ☐ Examiner's Comment Regarding Requirement for Deposit  
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6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
Eric B. Compton  
Primary Examiner  
Art Unit: 3726



INFORMATION DISCLOSURE CITATION	Docket No. 0545.033	Serial No. 10/616,030
	Applicant: Strait, Sean	
	Filing Date: July 9, 2003	Group: Unassigned

U.S. PATENT DOCUMENTS							
Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
EC	AA	4,067,585	01/10/1978	Rode	277	200	
	AB	4,125,929	11/21/1978	Rode	29	446	
	AC	4,214,465	07/29/1980	Rode	72	36	
	AD	4,492,018	01/08/1985	Rode	29	437	
	AE	4,611,935	09/16/1986	Rode	384	548	
	AF	5,224,259	07/06/1993	Rode	29	598	
	AG	5,329,196	07/12/1994	Rode	310	156	
	AH	5,402,560	04/04/1995	Rode	29	252	
	AI	5,435,576	07/25/1995	Rode	277	236	
	AJ	5,535,517	07/16/1996	Rode	29	898.09	
	AK	5,549,397	08/27/1996	Rode	384	551	
	AL	5,569,967	10/29/1996	Rode	310	103	
	AM	5,589,664	12/31/1996	Rode	174	52.1	
	AN	5,699,706	12/23/1997	Rode	83	18	
	AO	5,785,434	07/28/1998	Rode	384	551	
	AP	6,004,040	12/21/1999	Rode	384	583	
	AQ	6,244,751	06/12/2001	Rode	384	551	
	AR	6,283,639	09/04/2001	Rode	384	551	
	AS	6,327,773 B1	12/11/2001	Rode	29	724	
	AT	6,352,267	03/05/2002	Rode	277	631	
	AU	6,418,613 B1	07/16/2002	Rode	29	714	
EC	AV	6,461,051 B1	10/08/2002	Rode	384	551	

Examiner <i>Eric Conston</i>	Date Considered <i>12/28/2005</i>
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INFORMATION DISCLOSURE CITATION	Docket No. 0545.033	Serial No. 10/616,030
	Applicant: Strait, Sean	
	Filing Date: July 9, 2003	Group: Unassigned

EC	AW	6,487,775 B2	12/03/2002	Rode	29	898.09	
I	AX	6,662,449 B2	12/16/2003	Rode	29	898.09	
EC	AY	US2003-0137089 A1	07/24/2003	Rode			

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	Date	Country	Class	Subclass	Translation	
							Yes	No
	BA							
	BB							
	BC							

## Other Documents (including Author, Title, Date, pertinent public. etc.)

	CA	
	CB	
	CC	

Examiner <i>Eric Gorton</i>	Date Considered <i>12/28/05</i>
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\*\*\* TX REPORT \*\*\*  
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TRANSMISSION OK

TX/RX NO	3569
RECIPIENT ADDRESS	15712738300
DESTINATION ID	USPTO-RESPONSES
ST. TIME	05/01 16:25
TIME USE	01'11
PAGES SENT	3
RESULT	OK

*Docket No. 0545.033*  
*U.S. Serial No. 10/616,030*

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>Applicant:</b>	Strait	<b>Confirmation No.:</b>	1548
<b>Serial No.:</b>	10/616,030	<b>Group Art Unit:</b>	3726
<b>Filed:</b>	July 9, 2003	<b>Examiner:</b>	Eric B. Compton
<b>Title:</b>	BEARING ASSEMBLY SPACER ADJUSTABLE SYSTEM AND METHOD FOR ADJUSTING A SPACER		

### CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, Group Art Unit 3726, at facsimile no. 1-571-273-8300, on May 1, 2006



*Victor A. Cardona, Esq.*  
*Attorney for Applicant - Registration No. 44,589*

*Date of Signature: May 1, 2006*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

### SECOND REQUEST FOR PTOL-85 - PART(B) FEES TRANSMITTAL

Dear Sir:

Applicant received a Notice of Allowability and Examiner's Amendment, dated March 30, 2004, relative to the above-identified patent application. The Notice of Allowability required

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicant:** Strait **Confirmation No.:** 1548  
**Serial No.:** 10/616,030 **Group Art Unit:** 3726  
**Filed:** July 9, 2003 **Examiner:** Eric B. Compton  
**Title:** BEARING ASSEMBLY SPACER ADJUSTABLE SYSTEM AND METHOD  
FOR ADJUSTING A SPACER

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted by facsimile  
to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-  
1450, Group Art Unit 3726, at facsimile no. 1-571-273-8300, on May 1,  
2006



*Victor A. Cardona, Esq.*  
*Attorney for Applicant - Registration No. 44,589*

*Date of Signature: May 1, 2006*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**SECOND REQUEST FOR PTOL-85 – PART(B) FEES TRANSMITTAL**

Dear Sir:

Applicant received a Notice of Allowability and Examiner's Amendment, dated March 30, 2004, relative to the above-identified patent application. The Notice of Allowability required Corrected Drawings in response to the Examiner's Amendment. A response to the Notice of Allowability was due to be filed on or before June 30, 2004. A PTOL-85 – Part (B) Fees Transmittal was not a part of the Notice of Allowability.

A response to the Notice of Allowability, with corrected drawings, was timely filed with the U.S. Patent and Trademark Office on June 28, 2004.

On November 29, 2005 Applicant's undersigned attorney filed a COMMUNICATION REGARDING STATUS OF PATENT APPLICATION, via facsimile, with the U.S. Patent and Trademark Office. The Communication requested that a Notice of Allowance be issued relative

to the above-identified matter, and included copies of the March 30, 2004 Notice of Allowability, along with a applicant's response as timely filed on June 28, 2004 and received in the U.S. Patent and Trademark Office on July 1, 2004.

On January 9, 2006 the Commissioner of Patent issued a Supplemental Notice of Allowability relative to this matter, however, a PTOL-85 – Part (B) Fees Transmittal was not a part of the Supplemental Notice of Allowability.

On January 25, 2006, the undersigned filed a Request for PTOL-85 – Part (B) Fees Transmittal, with copies of all prior filings, which was received in the U.S. Patent and Trademark Office on January 30, 2006, as evidenced by the attached copy of the return-receipt postcard.

To date, applicant has not yet received the Notice of Allowance from the U.S. Patent and Trademark Office, along with a PTOL-85 – Part (B) Fees Transmittal so that the issue fee relative to this matter can be paid. Applicant respectfully requests that Notice of Allowance and PTOL-85 – Part (B) Fees Transmittal be issued relative to this matter.

If a telephone conference would be of assistance in advancing the issuance of a Notice of Allowance and PTOL-85 – Part (B) Fees Transmittal, the Examiner is invited to contact applicant's undersigned attorney at the telephone number provided below.

*Respectfully submitted,*



---

Victor A. Cardona, Esq.  
Attorney for Applicant  
Registration No. 44,589

Dated: May 1, 2006

**HESLIN ROTHENBERG FARLEY & MESITI P.C.**

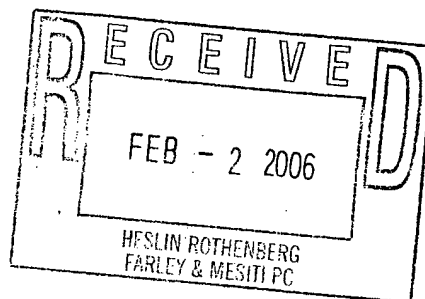
5 Columbia Circle

Albany, New York 12203

Telephone: (518) 452-5600

Facsimile: (518) 452-5579

Attachment: Copy of Return-Receipt Postcard dated January 30, 2006

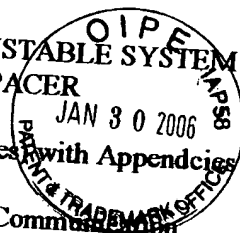


Applicant: Strait  
Serial No. 10/616,030  
Filing Date: July 9, 2003  
Title:

BEARING ASSEMBLY SPACER ADJUSTABLE SYSTEM  
AND METHOD FOR ADJUSTING A SPACER

Enclosed with the Return-Receipt Postcard:

- \* Request for PTOL-85 - Part(B) Fees Transmittal (2 pages with Appendices 1 and 2:
- \* Appendix 1 - Copy of November 29, 2005 Facsimile - Communication Regarding Status of Patent Application, including ~~Auto-Reply~~ Facsimile Transmission from U.S. Patent and Trademark Office (21 pages total), which includes Exhibits A and B (Exhibit A - March 30, 2004 Notice of Allowability / Exhibit B - June 28, 2004 Response to Notice of Allowability)
- \* Appendix 2 - Copy of January 9, 2006 Supplemental Notice of Allowability (4 pages)



File No.: 0545.033/VAC/ccw

Date Mailed: 01/25/2006  
Date Due: N/A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

**CORRECTED  
NOTICE OF ALLOWANCE AND FEE(S) DUE**

23405 7590 05/24/2006  
HESLIN ROTHENBERG FARLEY & MESITI PC  
5 COLUMBIA CIRCLE  
ALBANY, NY 12203

EXAMINER	
COMPTON, ERIC B	
ART UNIT	PAPER NUMBER

3726  
DATE MAILED: 05/24/2006

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,030	07/09/2003	Sean Strait	0545.033	1548

TITLE OF INVENTION: BEARING ASSEMBLY SPACER ADJUSTABLE SYSTEM AND METHOD FOR ADJUSTING A SPACER

*Issue, Publication Fees &  
DRAWINGS*

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$1,000	08/24/2006

**DOCKETED**

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

**HOW TO REPLY TO THIS NOTICE:**

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,030	07/09/2003	Sean Strait	0545.033	1548
23405	7590	05/24/2006		
HESLIN ROTHENBERG FARLEY & MESITI PC 5 COLUMBIA CIRCLE ALBANY, NY 12203				
			EXAMINER COMPTON, ERIC B	
			ART UNIT	PAPER NUMBER
			3726	
DATE MAILED: 05/24/2006				

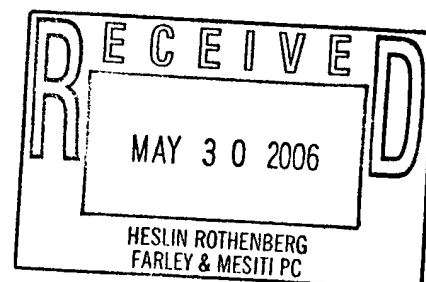
## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 300 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 300 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.



**Notice of Allowability**

Application No.

10/616,030

Examiner

Eric B. Compton

Applicant(s)

STRAIT, SEAN

Art Unit

3726

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an application filed 7/9/2003.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>7/9/03</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                             | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Victor Cardona on March 24, 2004.

The application has been amended as follows:

In the Specification, Section [0001], line 1, "6,282,639" should read —6,283,639—

Note: the above amendment was made to resolve a minor typographical error with respect to the Pat. Number. See Section [0021] (showing correct patent designation).

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Figure 1 will be labeled —Prior Art—; Figure 4, reference 143 (left) will include an arrow pointing at the roller element. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.



Art Unit: 3726

3. The following is an examiner's statement of reasons for allowance: the prior art of record does not teach or suggest a method (or apparatus) for adjusting the spacer of a bearing assembly comprising: a preload regulator comprising first and second portion, and a controller coupled to said first and said second portions to detect an electrical contact between said first and said second portions, in combination with the other claimed subject matter.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric B. Compton whose telephone number is (703) 305-0240. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter B. Vo can be reached on (703) 308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

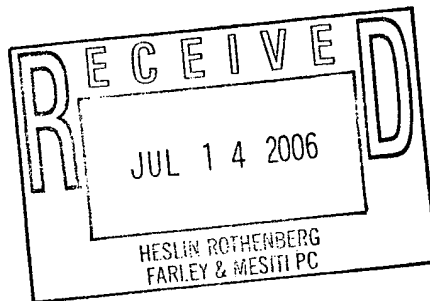
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



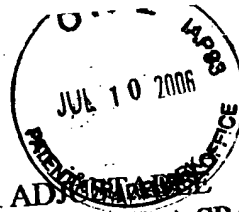
Eric Compton  
Patent Examiner  
AU 3726



DAVID P. BRYANT  
PRIMARY EXAMINER



Applicant: Strait  
Serial No.: 10/616,030  
Filing Date: July 9, 2003  
Title:



BEARING ASSEMBLY SPACER ADJUSTMENT  
SYSTEM AND METHOD FOR ADJUSTING A SPACER

Enclosed with the Return-Receipt Postcard:

\* Check in the amount of \$1,030.00 (\$700 - Issue Fee / \$300 - Publication Fee / \$30 - Advance Patent Order, and

\* Part B - Fee(s) Transmittal (1 page) in duplicate.

File No.: 0545.033/VAC/ccw

Date Mailed: 07/5/2006  
Date Due: 08/24/2006

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